

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 18 July 2024 at 7.30 pm.

Members of the Planning Committee:-

Councillors:

Chris Whately-Smith (Chair)
Philip Hearn
Stephen King
Chris Lloyd
Debbie Morris

Sara Bedford (Vice-Chair)
Chris Mitchell
Harry Davies
Elinor Gazzard

*Joanne Wagstaffe, Chief Executive
Wednesday, 10 July 2024*

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 Rights Act, the Data Protection Legislation and the laws of libel and defamation.

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 5
- 14)

To confirm as being a correct record, the minutes of the meeting of the Planning Committee, held on 13 June 2024.

To also confirm, as being a correct record, the minutes of the Planning Committee, held on 20 June 2024 – to follow.

3. DECLARATIONS OF INTEREST

To receive any declarations of interest.

4. NOTICE OF URGENT BUSINESS

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

5. 24/0903/FUL – CONSTRUCTION OF SINGLE STOREY FRONT, SIDE AND REAR EXTENSIONS AT SILVER BIRCH COTTAGE, EAST LANE, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0NY

(Pages
15 - 32)

Recommendation: That PLANNING PERMISSION be REFUSED.

6. RETROSPECTIVE: INSTALLATION OF ROOFLIGHT AND ALTERATIONS TO FENESTRATION AT 6 HOLBEIN GATE, NORTHWOOD, HA6 3SH

(Pages
33 - 44)

That subject to conditions RETROSPECTIVE PLANNING PERMISSION IS GRANTED.

7. OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

Exclusion of Public and Press

If the Committee wishes to consider any items 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 on the grounds that it involves the likely disclosure of exempt information as defined in 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.)

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

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THREE RIVERS DISTRICT COUNCIL

At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 13 June 2024 from 7.30 pm - 9.18 pm.

Present: Councillors

Chris Whately-Smith, Chair
Philip Hearn
Chris Lloyd
Debbie Morris
Matthew Bedford
Sara Bedford
Elinor Gazzard
Chris Mitchell
Harry Davies

Officers in Attendance:

Claire Westwood, Development Management Team Leader
Scott Volker, Principal Planning Officer
Lauren Edwards, Senior Planning Officer
Anita Hibbs, Committee Officer

PC18/23 APOLOGIES FOR ABSENCE

There were no apologies for absence.

PC19/23 NOTICE OF URGENT BUSINESS

There were no items of urgent business.

PC20/23 DECLARATIONS OF INTEREST

There were no declarations of interest.

PC21/23 24/0120/FUL - VARIATION OF CONDITION 1 (PLANS) PURSUANT TO PLANNING PERMISSION 23/1809FUL TO INCLUDE ALTERATIONS TO THE DESIGN OF PLOT 3 TO INCREASE FOOTPRINT OF DWELLING AT GROUND AND FIRST FLOOR LEVEL, AS WELL AS ALTERATIONS TO FRONT DRIVEWAY, PROVISION OF RAISED REAR PATIO WITH ASSOCIATED FRONT/REAR LANDSCAPING WORKS, ALTERATIONS TO FRONT DRIVEWAY, PROVISION OF RAISED REAR PATIO WITH ASSOCIATED FRONT/REAR LANDSCAPING WORKS AT PLOT 3, BANSTEAD DOWN, OLD CHORLEYWOOD ROAD, RICKMANSWORTH, HERTFORDSHIRE.

Scott Volker, Principal Planning Officer advised the Committee that there was no update to the application.

Mrs. Pavis spoke in support of the application.
A Parish Councillor spoke against the application.

The Committee requested an outline of the similarities between Plot 1 and 3 to be given by the case officer.

Scott Volker, Principal Planning Officer explained that there are three properties that were originally granted approval in the 2016 outline, and then subsequently, there was an approval of details for all three properties in 2019.

Plots 1 and 2 have individually come forward with a revised scheme to those individual plots, and Plot 3 have done the same.

Each of the other two plots have extended in depth slightly, and Plot 3 is basically following that trend, but overall, it's just reflecting what has happened in Plots 1 and 2, albeit the overall design is slightly different; they are all varied.

In response to a question raised regarding the accuracy of the plan, the officer confirmed that it is accurate, and although there are significant land level changes across the site, as seen from the photographs, he has worked with the agent and the applicant to get suitable section drawings and details of the changing land levels on the site plan, which shows the differing land level heights across the site from front to rear.

The case officer provided clarification to the Committee on the orientation and descriptions of the different plots, along with details about each plot's location and surroundings.

Members of the Committee pointed out the challenges of assessing the impact of the development solely based on photos, suggesting that a site visit may be necessary, due to the complexities in topography.

The Committee discussed minor changes in roof heights, specifically a slight increase in the ridge height on the right side of the building and the raised depth to the central part of the dwelling.

The case officer confirmed that the overall height remains consistent with previous approvals.

The Committee also discussed the impact on overlooking, with no significant concerns raised regarding distances between properties and windows.

The case officer advised that the inspector noted no issues with overlooking from the patio area, emphasizing compliance with approved guidelines.

Members raised questions around the planting screen to which the case officer responded by explaining that as there were concerns raised by the residents at 4 Goosefields as well as by Batchworth Community Council, officers considered the plant screen was appropriate, and a suitable addition to mitigate against any overlooking.

The case officer further explained that the vegetation alongside the boundary cannot be controlled and may die out, and to have that additional buffer of a planting screen that can be controlled, will ensure that no overlooking would occur.

Councillor Sara Bedford moved, seconded by Councillor Elinor Gazzard, that PLANNING PERMISSION BE GRANTED.

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.

PC22/23 24/0187/FUL – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TWO STOREY DETACHED DWELLING WITH BASEMENT LEVEL AND ACCOMMODATION IN THE ROOFSpace SERVED BY SIDE ROOFLIGHTS WITH ASSOCIATED PARKING AND

**LANDSCAPING WORKS AT 2 BROOKDENE AVENUE, OXHEY HALL, WATFORD,
HERTFORDSHIRE, WD19 4LF.**

Lauren Edwards, Senior Planning Officer advised the Committee that there was no update to the application.

Mr. Vaidyanathan Spoke on behalf of himself and the Oxhey Hall Residents Association against the application.

Mrs. Hirji spoke in support of the application.

A District Councillor and Parish Councillor also spoke against the application.

The case officer provided clarification on the parking provision for the dwelling with four bedrooms, highlighting an existing shortfall of one parking space. Despite an increase in bedrooms for the new dwelling, the parking requirement remains the same.

The proposal does not include alterations to access or highways.

There was no consultation with officers regarding a construction management plan due to the recommendation for refusal. In essence, the parking shortfall remains unchanged, and no construction management plan is proposed.

Members raised concerns about parking spaces near the junction, where the property is situated, particularly in relation to the proposed extension with more bedrooms.

The Committee questioned the adequacy of existing parking and highlighted potential safety issues due to the proximity to a busy road.

There was a strong emphasis on the need for sufficient parking provisions to address potential hazards to highways.

Claire Westwood, Development Management Team Leader acknowledged the points raised by the Committee and explained that the reason for the recommendation for officers not including parking for refusal, is because the parking standards in Appendix 5 for C3 state that for four or more bedroom dwellings the requirement is three spaces per dwelling. Therefore, the recommendation for officers not including parking for refusal is based on the parking standards in Appendix 5.

In response to a question raised regarding the first floor flank, the case officer explained that with the first floor flank that is being brought close to the boundary, there is an existing single storey element, but the policy for proximity to the boundary, more particularly, relates to first floor, so this is a first floor flank that is closer to the boundary and fails to comply with the guidance, rather than a single storey element where there is no specific policy with regards to boundary.

Councillor Chris Mitchell moved, seconded by Councillor Matthew Bedford, that Planning Permission be refused.

Councillor Sara Bedford proposed a second reason for refusal on the grounds of parking, stating that the required standards are three parking spaces and therefore, she is proposing this reason for refusal on this basis.

Claire Westwood, Development Team Leader has clarified that if this was an empty site with no dwelling on it, and an application were to be submitted for a dwelling to be built there, the standards would say that there should be three parking spaces.

The officer also pointed out the fact that the existing site circumstances are a material consideration, which cannot be ignored. However, it is a balance and if Members consider that, because of the scale of the dwelling proposed, there is detrimental harm due to the shortfall of parking for additional cars, it can be added as a reason for refusal, but for the reasons set out in the report, officers don't agree with that.

Councillor Debbie Morris proposed that the location, the junction and the lack of on-street parking should also be added to the reasons for refusal.

Councillor Chris Mitchell moved, seconded by Councillor Matthew Bedford, that Planning Permission be refused with the amendment of the additional reasons for refusal on the grounds of shortfall of parking, the location, the junction and the lack of on-street parking.

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

RESOLVED:

That Planning Permission be refused with the amendment of additional reason for refusal on the grounds of shortfall of parking, the location, the junction and the lack of on-street parking.

Reasons for refusal:

By virtue of its overall scale, width, depth, height and design incorporating front and rear gables, together with its proximity to the eastern flank boundary, the proposed dwelling would appear as a cramped and unduly prominent addition within the streetscene, resulting in demonstrable harm to the character and appearance of the street scene and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

By virtue of the proposed increased number of bedrooms, insufficient parking would be provided to serve the proposed replacement dwelling. The site is on main road (B4542) within close proximity of the junction with Hampermill Lane. The shortfall in parking on site would result in an increase in parking outside of the application site to the detriment of the safe movement and free flow of other highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

PC23/23 24/0215/FUL - CHANGE OF USE OF EXISTING PLAYROOM AND GARAGES INTO HABITABLE ACCOMMODATION TO PROVIDE TWO-BEDROOM DWELLING AND ASSOCIATED WORKS TO PROVIDE AMENITY SPACE, REFUSE STORAGE AND PARKING AT 39 WATFORD ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTS, WD3 3DP

Lauren Edwards, Senior Planning Officer provided the following update.

It had been brought to officers' attention that the shape of the location plan did not match the shape of the block plan in so far as reflecting the display boundary, which is on the eastern side, or the right hand side of the image on the screen.

The block plan has since been amended so that it accurately reflects that of the location plan.

Mr. Dale spoke against the application on behalf of himself and the residents of Watford Road.

Mr. Sullivan spoke in support of the application.

A District Councillor and Parish Councillor spoke against the application.

The case officer responded to the points raised by the speakers informing the Committee that she had suggested a parking management plan at Condition 7 (C7). Currently, she had only suggested tracking diagrams be submitted with regards to the three parking spaces to the front, because she and the highways officers were confident regarding the two parking spaces to the back, but that could include those parking spaces as well, should Members wish.

The case officer clarified that the precedent is not a planning material consideration, and in her view this development is only acceptable on its own merits at this time.

There is an existing building and an existing access, and whilst the character is set out in the report, Watford Road is generally of street fronting dwellings with rear gardens.

In this case, because it is an existing building, and that there would be integration of some soft landscaping in place, existing hardstanding is acceptable for the reasons set out in the report.

In response to concerns regarding the access and overlooking, the case officer outlined a comparison between the existing and proposed property layouts, focusing on the rear garden being converted into hardstanding for a dwelling. The officer also explained that there would be no other alterations to the plot layout, with neighbouring dwellings facing similar distances on the neighbouring roads.

The case officer provided clarification to questions arising from the discussion around the potential harm that could be caused by sewage, stating that sewage and drainage are not a material planning consideration.

The officer also reiterated that she is satisfied with the size of the parking spaces, and as mentioned previously, they are currently suggesting a condition for the layout, management and tracking for the parking spaces at the front, and it could also include the ones to the rear, should Members wish for them to be added.

The officer also responded to another point regarding the original approval stating that this building wasn't going to be for habitation, by confirming that at the time that development was considered acceptable, on the basis of the number of dwellings that were proposed, and that that was an ancillary building that supported the use of the flats that now sit within the semi detached building to the front.

The case officer also confirmed that there is a condition at C6 which does remove classes that officers consider relevant. It does not include the upward story but that could be added within the permitted development rights that are removed, should Members feel that that would be appropriate.

Members raised concerns around overdevelopment and also requested further information on parking and (C7).

The officer explained to the Committee that the report also sets out a worst case scenario, as far as if it was only the two spaces that could be retained and not the three spaces as shown on the block plan. For the reasons set out in the report, the officer still considers that to be acceptable. However, officers have suggested C7, which would ask for more details to be provided to all three spaces and they would be allocated, one for each unit. However, it would have to be satisfied in its entirety.

With regards to concerns around the back land development; Claire Westwood, Development Management Team Leader reiterated that there is very little change to the structure of the building; with minor changes to some of the doors and windows, and hard standing being removed, and soft landscaping being added, and advised, if Members consider this to be overdevelopment it would need to be justified what harm could result from these changes.

The case officer provided a response to a question raised around the 5 year housing supply, informing the Committee that it is set out in the report that a 5 year housing supply cannot be demonstrated, and it is included in the planning balance, but the officer considers it to be acceptable on its own merits, and must be had regard to, should Members be minded to refuse the scheme.

Members of the Committee asked officers to consider an amendment to Condition 6 (C6), focusing on permitted development rights.

Claire Westwood, Development Management Team Leader highlighted concerns around preventing upward extensions and advised that classes A, D and F have been considered appropriate.

Members also discussed the building's capability for upward extension without alterations that would impact permitted development rights.

The officer proposed further examination of different classes and clarifications for Members before amending conditions.

The Chair, Councillor Chris Whately-Smith moved, seconded by Councillor Harry Davies, that Planning permission be granted subject to condition and the completion of a Section 106 agreement (securing a financial affordance housing contribution) with the amendment to C6 (PD Removal) to prevent upward extension without planning permission.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 6 For, 2 Against and 1 Abstention.

RESOLVED:

That Planning Permission be granted subject to condition and the completion of a Section 106 agreement (securing a financial affordance housing contribution) with the amendment with the amendment to C6 (PD Removal) to prevent upward extension without planning permission.

Condition 6 to read:

Immediately following the implementation of this permission, 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 development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class AA - enlargement of a dwellinghouse by construction of additional storeys

Class D - erection of a porch

Class F- Provision of hardsurfacing

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core

PC24/23 24/0267/FUL - CONSTRUCTION OF SINGLE STOREY DETACHED 'DRY ZONE' BUILDING AT BURY LAKE, THE AQUADROME, FROGMOOR LANE, RICKMANSWORTH.

Scott Volker, Principal Planning Officer provided the following update.

The landscape officer provided comments, and raised no objections, subject to a condition regarding submission of a tree protection scheme, and the environmental health officer also commented, raising no objection, and recommended approval subject to conditions, regarding unexpected contamination and a method statement for dealing with asbestos contamination.

The Committee raised concerns regarding the adequacy of Condition 9 (C9) in reflecting all the recommendations and concerns raised by the environmental health officer.

The case officer explained that C9 was an officer recommendation prior to the comments being received from an environmental health officer and the comments were received after the report had been published for the last Planning Committee meeting. Subsequent to that, the environmental health officer provided their comments, therefore, that method statement condition would be added to cover all the comments provided by the environmental health officer.

Members also pointed out that there should be another condition for a void maintenance plan to reduce flooding.

The case officer confirmed that that condition was made by the Environment Agency and if it had been missed of the report, officers will make sure it will be included.

The officers also confirmed that both conditions will be circulated to Members.

In response to a question raised regarding health and safety measures in the Aquadrome, the officer advised that due to asbestos being present in the Aquadrome, there is a strict requirement for all work being done within the Aquadrome to be safe for everyone who is going to be undertaking works there. Therefore, it is considered necessary from the recommendation of the environmental health officer to attach that condition to ensure that safe practices are in place.

They would also need to get consent from the Council, as the Council is responsible for maintaining the Aquadrome, and ensuring that any permit to work and safe measures are in place for those working in and around the site.

Councillor Chris Lloyd moved, seconded by Councillor Debbie Morris, that Planning permission be granted with the additional conditions requiring submission of Void Maintenance Statement and Method Statement.

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 subject to conditions with additional conditions requiring submission of Void Maintenance Statement and Method Statement.

Condition 10:

The development hereby permitted must not be commenced until such a time as a detailed scheme to ensure the clearing and maintenance of the under-slab void has been submitted to, and approved in writing by, the Local Planning Authority, in line with that outlined in the submitted 'Outline Void Clearing Method Statement'.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements.

Reason: To ensure the maintenance and upkeep of the void is in place for the lifetime of the development to mitigate for the risk of blockages of voids and reduce the risk of flooding to the development and surrounding area in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policies DM8 and DM9 of the Development Management Policies LDD (adopted July 2013).

Condition 11:

No development or other operation in respect of the development hereby permitted shall commence on site whatsoever until a method statement for dealing with asbestos contamination shall be submitted to and agreed in writing by the Local Planning Authority. The method statement should include but not be limited to the measures recommended in the letter from Vintec dated 25th May 2025 (listed below):

- a statement confirming that conditions on site have not changed since the investigation by Vintec in 2015 was undertaken
- prior to the construction phase - hand picking exercise of visible surface contamination;
- prior to the commencement of piling operation - clearance of asbestos cement debris in areas where piles will be driven into the ground, achieved by scraping the top layer of soils and removing it as contaminated waste, this should be done using an excavator;
- perimeter air monitoring and personal monitoring;
- sporadic air monitoring conducted on the site boundary during construction.

The statement should also include measures to control fugitive dusts. It is suggested that driven piles will be employed, if this changes, the statement should also include arrangements for dealing with the soil arisings, fugitive dusts etc.

The development shall be fully implemented in accordance with the approved method statement throughout.

Reason: To ensure that the proposed development will not cause pollution of the environment or harm to human health, in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

PC25/23 24/0338/FUL – CONSTRUCTION OF PART SINGLE, PART TWO STOREY REAR EXTENSION; RAISED REAR PATIO, CONVERSION OF GARAGE INTO HABITABLE ACCOMMODATION AND LOFT CONVERSION INCLUDING REAR DORMER WINDOW AND FRONT ROOFLIGHTS; INTERNAL ALTERATIONS AND ALTERATIONS TO FENESTRATION AT 63 EASTBURY ROAD, NORTHWOOD, HA6 3AP

Lauren Edwards, Senior Planning Officer provided the following update.

Following the submission of the original plans, the positioning of the neighbouring properties annotated on the first floor plan originally received was incorrect. The agent has updated this and provided revised plans.

The 45 degree splay aligns on the updated drawing still confirmed that there will be no intrusion, when taken from the point on the boundary level with the rear elevation.

At 7.2.4 of the committee report, it states that there will be no intrusion from the point on the boundary level with the two storey rear elevation of the neighbour at number 65. However, the altered block plan shows that there would be an intrusion from the point level with the two storey rear elevation, but no intrusion from the ground floor level, which is where appendix 2 sets out that this should be taken from. As such, it is maintained that there is no impact on neighbours as set out in the report. The measurements quoted in this respect, relating to the single storey element are unchanged, but C2 would need to be updated to reflect the change in the plan numbers.

Mrs. Fox-Rushmead spoke against the application on behalf of immediate neighbours.

Mr. Bhudia spoke in support of the application.

The case officer provided clarification to the Committee on flood risk and surface water, explaining that there is a distinction between the two. The property is in flood risk zone one, therefore it has a low level risk of flooding and is also in a low risk area for surface water drainage, and there is no statutory requirement for this type of application for full risk assessment.

The officer further explained that there are no alterations to the frontage proposed, therefore officers wouldn't be able to try and remedy any pre-existing issues. There is substantial amount of soft landscaping to be retained, therefore, it isn't reasonable to require the applicant to make any additional mitigation measures. Furthermore, in the officer's view the proposal would not exacerbate existing levels of surface water drainage, particularly owing to its site within a low risk zone.

In response to a question regarding a potential informative being added and a suggestion on withdrawing permitted development rights, the case officer advised that the applicant would be removing their own ability to build any further extension and would be quite limited as to what additional builds they could do. The officer also advised that she would not recommend removing outbuildings but if that is what Members felt that was absolutely necessary, it could be added.

The case officer responded to a suggestion for a restriction to be added to prevent any further changes to the roofline, advising the Committee that class B could be removed.

Councillor Harry Davies moved, seconded by Councillor Sara Bedford, that Planning Permission be granted with the additional condition removing Class B permitted development rights and additional informative regarding surface water run-off.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 6 For, 1 Against and 2 Abstention.

RESOLVED:

That Planning Permission be granted with the additional condition removing Class B permitted development rights and additional informative regarding surface water runoff.

The additional informative to read:

The applicant is encouraged to make additional provisions, where possible, to increase the site's capacity for the interception of surface water run-off.

ADDITIONAL PARKING SPACES AND INSTALLATION OF TIMBER BOLLARDS AND KERBS AT STREET RECORD, SCHOOL MEAD, ABBOTS LANGLEY, HERTFORDSHIRE

Claire Westwood, Development Management Team Leaders provided the following update.

Some additional neighbour comments have been received since the report was published. The number in the report is 4, however, 5 further comments have now been received (9 in total). The additional comments reflect those set out in the report. In summary the concerns relate largely to concerns regarding future use/restriction to use of the bays, rather than the principle of the development. As set out in the committee report, in the event that planning consent were to be granted the Local Planning Authority would not be restricting usage of the bays as part of the planning process. This process is a separate process to planning and the responsibility of the Parking Team. Any future Traffic Regulation Order has to follow the TRO statutory process which would require its own public consultation.

The applicant provided a response to the points raised by the Highways Officer which the Highways Officer has reviewed.

The Highways Officer in respect of point 1 advised that the applicant's suggestion to 'improve accessibility and permeability for pedestrians by considering the relocation of the paved/asphalt island to align with the pathway that comes over the green' seems a sensible approach.

In respect of point 2 the Highways Officer advised that the applicant's suggestion to 'propose additional cycle parking (Sheffield stands) on the large, paved area adjacent to the south side of the shops' would be supported by HCC as Highway Authority subject to an appropriate location.

In respect of point 4 the Highways Officer notes the comments made by the applicant and has advised they have no further objection in relation to the provision of EV charging and note that TRDC are working with HCC on the provision of EV within the District.

Officers would reiterate as set out in the committee report that the relocation of the existing paved/asphalt island and provision of cycle stands do not form part of this application. These areas fall outside of the site boundary and therefore the assessment of this application relates solely to the alterations to existing parking and provision of additional hard surfacing to facilitate the creation of additional parking spaces and installation of timber bollards and kerbs.

The officer advised the Committee that the requirement to move the disabled access to a separate path will not be part of the current application as this change does not require planning permission and will be addressed independently.

Councillor Sara Bedford moved, seconded by Councillor Chris Whately-Smith that Planning Permission be GRANTED subject to conditions.

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

RESOLVED:

That Planning Permission be GRANTED subject to conditions.

PC27/23 OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

CHAIRMAN

PLANNING COMMITTEE - (Thursday 18th July 2024)

24/0903/FUL – Construction of single storey front, side and rear extensions at Silver Birch Cottage, East Lane, Abbots Langley, Hertfordshire, WD5 0NY

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 01.08.2024

Ward: Leavesden
Case Officer: Lilly Varnham

Recommendation: That PLANNING PERMISSION be REFUSED.

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Council Ward Councillor.

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

[24/0903/FUL | Construction of single storey front, side and rear extensions | Silver Birch Cottage East Lane Abbots Langley Hertfordshire WD5 0NY \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0903/FUL)

1 Relevant Planning History

- 1.1 8/397/79 - Change of Use. Chapel To Residential.
- 1.2 23/2183/FUL - Construction of single storey side extensions and relocation of entrance door – Permitted. Not implemented.
- 1.3 24/0383/PDE - Prior Approval: Single storey rear extension (depth 6.50 metres, maximum height 3.75 metres, maximum eaves height 3.75 metres) – Pending Consideration.
- 1.4 24/0382/CLPD - Certificate of Lawfulness Proposed Development: Construction of single storey side extension – Permitted. Not implemented.

2 Description of Application Site

- 2.1 The application site contains a single storey detached dwelling to the south of East Lane opposite East Lane Cemetery in Abbots Langley. The cottage was previously established for the residents of Abbots Langley Asylum and an earlier cemetery lies to the eastern border of the site. The existing dwelling is formed as a T plan shape with the addition of a conservatory to the southern part of the dwelling where land levels drop towards the rear boundary of the site.
- 2.2 The dwelling has a dark tiled slate roof form, with an exterior finish consisting of a light brown brick mix and a smooth white render. To the front of the dwelling is an existing vehicular access from East Lane onto a gravelled area of hardstanding which extends down the side of the dwelling, there is an existing car port structure within the site frontage which provides an area for parked vehicles. To the rear of the dwelling is large amenity garden predominantly laid as lawn, there are a number of large, detached outbuildings within the rear garden of the application site. It is noted that there is a secondary access to the site frontage from East Lane, whilst the gate remains the area to the rear of the gate (within the application site) is predominantly soft landscaping and does not appear to have been used for vehicular access for some time.
- 2.3 The application site is located within the Metropolitan Green Belt. There are no immediate residential neighbours to the application site.

3 Description of Proposed Development

- 3.1 The application seeks full planning permission for the construction of single storey front, side and rear extensions.

- 3.2 The proposed extension to the south elevation would be minimally set in from the eastern flank wall and would replace the existing conservatory to the rear of the dwelling. This projection would have a total depth of approximately 6.7m. This would extend across the width of the dwelling to adjoin the proposed extension to the western flank. The side extension would project some 6.9m beyond the western flank elevation and would wrap around to the northern elevation, stepping and splaying to follow the current splay of the existing dwelling. The northern extent of the side/front extension would be set back from the main front hipped projection by approximately 6m.
- 3.3 The extension to the southern (rear) elevation would have a hipped roof form that follows three pitches, set down from the main ridge line of the dwelling. This addition would have a total height of approximately 5.6m (taken from the lowest land level to the rear), sloping to an eaves height of 4.3m. Due to the drop in land levels to the rear of the site a raised decking is proposed from the southern projection. This would have a total depth beyond the proposed rear elevation of 4.2m, taking the total depth of new build beyond the existing rear elevation to some 10.9m. The proposed raised decking would not extend the full width of the rear elevation and instead would have a total width of approximately 7.7m and be positioned 2.1m above the lowest ground level (inclusive of the proposed balustrade). Five steps are proposed down from the decking to the lower land level. Within the rear elevation of the southern projection two sets of bifold doors are proposed and a single door is proposed to the patio store.
- 3.4 The extension to the western flank elevation would have a hipped roof set at the height of the main central section of the dwelling but would remain set down from the main front hipped projection. This addition would have a total height of approximately 5m (taken from the highest ground level adjacent to this elevation). The front projecting porch element would have a lower height with a separate pitched roof.
- 3.5 The projection to the western side of the northern elevation would also be comprised of a hipped roof, this would be set down from the main front hipped projection and would have a total height of approximately 5m, sloping to an eaves height of approximately 3.6m.
- 3.6 The proposed extension to the northeast would infill the existing space to this side of the dwelling and would have a total depth of approximately 4m extending in line with the existing flank wall. This addition would have a hipped roof form at a total height of approximately 4.7m (taken from the highest ground level adjacent to this elevation), sloping to an eaves height consistent with the central section of the host dwelling.
- 3.7 A number of rooflights are proposed within the existing and proposed rooflights. Fenestrations are proposed within the proposed extensions to the front, side and rear.
- 3.8 The proposed extensions would be constructed in brick to match the existing dwelling with clay and feature tiles to match the existing house. The existing ridge detail would be replicated on the ridge line of the proposed extensions.
- 3.9 It is acknowledged that this application has been submitted following the previously approved application via 23/2183/FUL. This current application contains a similar extension to the west elevation albeit on a larger footprint that what was approved. The extension to the east elevation (bed 2) is the same as what was previously approved with the addition of new fenestrations in the flank elevation. The remainder of the extensions to the West and South do not benefit from express planning permission, although it is the applicant's case that some of these elements benefit from deemed planning permission under the General Permitted Development Order and it is acknowledged that the application site has received prior approval for an extension to the south elevation via 24/0383/PDE and the a Lawful Development Certificate for an extension to the west elevation via 24/0382/CLPD. This matter is discussed further in the appraisal below.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: [No Comments Received]

4.1.2 HCC Footpath Section: [No Comments Received]

4.1.3 National Grid: [No Comments Received]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 0 No of responses received: 0

4.2.2 Site Notice Displayed: 11.06.2024, Expires: 02.07.2024

4.2.3 Press notice published: 14.06.2024, Expires: 05.07.2024

4.2.4 Summary of Responses: [No responses received]

5 Reason for Delay

5.1 No Delay.

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.

The Environment Act 2021.

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF 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.

Other

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

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

7 Planning Analysis

7.1 Impact on Metropolitan Green Belt

- 7.1.1 The application site is located within the Metropolitan Green Belt.
- 7.1.2 The fundamental aim of the Green Belt Policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence.
- 7.1.3 Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and permanence. With regard to extensions to buildings in the Green Belt the NPPF stipulates that provided extensions or alterations of a building do not result in a disproportionate addition over and above the size of the original building it would not be inappropriate. In appropriate development by definition is harmful to the Green Belt.
- 7.1.4 The requirements of the NPPF are considered to reflect adopted policies of the Three Rivers District Council Local Plan. Core Strategy Policy CP11 sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies document relates to development within the Green Belt and sets out that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The building's proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.
- 7.1.5 The 'Extensions to Dwellings in the Green Belt Supplementary Planning Guidance' provides further explanation of the interpretation of Green Belt policies of the Three Rivers Local Plan 1996-2011. These policies have now been superseded by Policy DM2 of the Development Management Policies LDD. Nevertheless, the SPG provides useful guidance and paragraph 4.5 of the Development Management Policies LDD advises that the guidance will be taken into account in the consideration of householder developments in the Green Belt until it is incorporated into the forthcoming Design Supplementary Planning Document. As a guide, the SPG advises that extensions resulting in a cumulative increase in floor space of more than 40% compared with the original dwelling may be disproportionate.

7.1.6 Paragraph 154 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. However, it states that exceptions to this are:

- a) Buildings for agriculture and forestry;
- b) Provision of appropriate facilities (in connection with the existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
- c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings**
- d) The replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces
- e) Limited infilling in villages
- f) Limited affordable housing for local community needs under policies set out in the Development Plan (including policies for rural exception sites) and;
- g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:
 - Not have a greater impact on the openness of the Green Belt than the existing development; or
 - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority.

7.1.7 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF states that when considering proposals, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

7.1.8 Green Belt Calculations:

	Original Floor Space	Existing Extensions	Existing Percentage	Proposed Extensions	Percentage Increase
Permitted 23/2183/FUL	140sqm	29.88sqm	21%	37.8sqm	48%
Permitted 24/0383/PDE	140sqm	29.88sqm	21%	91.97sqm	66%
Permitted 24/0382/CLPD	140sqm	29.88	21%	39.85sqm	50%
Proposed	140sqm	29.88sqm	21%	170.49sqm	122%

7.1.9 The proposed extensions to the dwelling represent a cumulative increase of approximately 122% above the original floorspace of the dwelling. This would exceed the guideline of a 40% increase compared to that of the original floorspace of the dwelling within the

Metropolitan Green Belt. Notwithstanding the increase in floorspace, it is also important to consider the overall volume, design and bulk of the proposed development when concluding whether the extensions would cumulatively represent disproportionate additions, this analysis is set out below.

- 7.1.10 The SPG sets out that extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling will normally be unacceptable, with the following exceptions:
- i) Dormer windows satisfying 10(c) above, (ie. that they are proportionate to the existing building).
 - ii) Ground floor conservatories of modest size compared to the house and site, though planning conditions will then be imposed on permissions prohibiting their replacement with more substantial construction.
 - iii) 'in-fill' extensions (e.g. if the existing building is 'L' or 'U' shaped) which do not increase the apparent bulk of the building.
- 7.1.11 The proposed development is considered to result in an amalgamation of the previous approvals via 23/2183/FUL, 24/0383/PDE and 24/0382/CLPD. It is considered that some elements of the proposal can be considered to meet the exception at paragraph 11 d (iii) of the SPG, notably the extension to the northeast (labelled as Bed 2 on the plans) as this is the same as the previous approval via 23/2183/FUL and largely infills the existing space to this side of the dwelling without encroaching into the green belt beyond that of the established building line. The recessed extension to the west elevation (labelled as providing 2 study rooms) is also considered to meet the infill exception of the SPG and it is acknowledged that this element is the same as the previously approved application.
- 7.1.12 The extension to the south elevation is not considered to fall within any of the exceptions of the framework or the SPG and is therefore inappropriate development. The proposed extension would add significant bulk and mass to the rear elevation of the dwelling, exacerbated by the further projection of the timber decking which results in further encroachment into the Metropolitan Green Belt than the existing situation. It is acknowledged that the rear benefits from an existing single storey conservatory to the rear which has a deeper rear building line than the extension proposed under this application, however, the extension to the south would extend the full width of the dwelling, and whilst its roof form would be hipped it would result in three hipped projections that would add to the apparent bulk and massing resulting in greater visual impact than the existing situation. As such it is concluded that this extension would result in greater harm to the openness of the Green Belt.
- 7.1.13 The proposed extension to the West elevation to serve the new entrance hall, bed 4 and boot room is also not considered to fall within any of the exceptions of the framework or the SPG. The extension would project beyond the elevation and result in further encroachment into the Green Belt. It is acknowledged that an extension to this elevation was previously approved via 23/2183/FUL, however this was on a much smaller scale than the extension currently proposed. The extension would have a hipped roof however it would be set up to the central ridge running through the centre of the dwelling and owing to its overall width and depth would increase the prominence of the dwelling within the Green Belt to an unacceptable degree and would therefore amount to inappropriate development.
- 7.1.14 The current application results in the spread of development across the site, adding significant bulk and mass to the dwelling beyond that of the previous approval and would result in visual harm to the openness of the Green Belt. Officers note that the applicant's agent has highlighted the permitted development fallback position (i.e. the implementation of the prior approval rear extension and permitted development side extension), this position will be discussed in a later section of this report.

- 7.1.15 The applicant's agent has set out that the proposal would meet the exception of Policy DM2 for the re-use and conversion of buildings in the Green Belt. Officers do not consider that the proposal would fall within this exception given that the use as a residential dwelling has been long established permitted via 8/397/79 and is considered to have the basic and necessary amenities for current use and occupation as a residential unit. This application relates to extensions to an existing dwelling and not to the re-use or conversion of a building.
- 7.1.16 Noting the above, the overall mass and bulk of the proposed development would significantly increase the prominence of the dwelling both spatially and visually. The level of harm to spatial openness is considered to be limited given the permitted development fallback position and the previous planning approval. However, there would be a clear cumulative marked harm on the visual openness of the Green Belt particularly when viewed from the west (side) and south (rear) elevations.
- 7.1.17 In summary, the proposed development is considered to result in disproportionate additions to the original building which would be harmful to the openness of the Green Belt. Therefore, it would be inappropriate development.
- 7.1.18 The proposed development would therefore fail to comply with Policy CP11 of the Core Strategy (October 2011), Policy DM2 of the Development Management Policies Document (October 2013) and the Supplementary Planning Guidance No 3 – Extensions to Dwellings in the Green Belt (August 2003) and the NPPF (December 2023).
- 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 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'.
- 7.2.2 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 As set out Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking. Appendix 2 of the DMP LDD also sets out that single storey side extensions proximity to the flank boundary will be individually assessed.
- 7.2.4 The application dwelling is set back from the highway on East Lane by approximately 15m and is the last residential dwelling that is accessible from this portion of the highway. The rest of East Lane from this location is passable on foot only, despite this it is considered that views of the proposed development would be had from East Lane, the arable fields to the West and Leavesden Country Park. The proposed extensions are considered to add significant bulk and massing to the dwelling, particularly to the West (side) elevation and the South (rear) elevation however, when considered the spacing maintained to the boundaries of the site, and that the extensions would be set down from the main ridge line and front hipped projection it is not considered that the extensions would appear unduly prominent such to justify the refusal of planning permission in this regard.
- 7.2.5 It is considered that some elements of the proposed development would be considered infill notably those serving bed 2 and the study, which would not project beyond the current

established building line. Whilst the extensions to the west and south of the dwelling would project beyond the current footprint it is acknowledged that the rear projection would replace the existing conservatory albeit at a greater width, this position has also been established through the prior approval application via 24/0383/PDE. In terms of the addition to the rear, whilst the depth would fail to comply with the guidelines it would remain set in from the flank elevation and down from the ridge. Its roof would be hipped and it would not project beyond the depth of the existing conservatory. As such it is not considered that this would result in demonstrable harm to the character of the host dwelling such to justify refusal of planning permission in this regard. The addition proposed to the West would project beyond the current established building line to serve as the new main entrance to the dwelling. Whilst this addition would be prominent, given the set down and hipped roof it is not considered that this would appear incongruous within the context of the host dwelling or the plot.

- 7.2.6 The proposed development would be set up to the ridge line of the central section of the dwelling but would remain set down from the existing prominent forward projection that served the former chapel of rest which serves as a focal point upon entry to the site. The proposed extensions would not project beyond the eastern flank wall and would remain set back from the front elevation and set off the flank boundaries. Given the spacing maintained to the boundaries and that the additions are subservient to the host dwelling it is not considered that the proposal would result in an incongruous or overly prominent form of development and would therefore not be considered to result in demonstrable harm to the character of the host dwelling or wider streetscene.
- 7.2.7 The proposed alterations would be constructed in materials to match the existing dwelling including brick and clay/feature tiles. The fenestration and ridge details are proposed to be replicated to match those details of the existing dwelling which would respond to the existing character of the host dwelling and retain its appearance within the wider streetscene.
- 7.2.8 The proposed timber decking to the rear would not be readily visible from the streetscene on East Lane given its siting to the rear. The proposed decking would replace an existing decking that serves the existing conservatory, the proposed decking would be of a greater depth and width than the existing, however given its overall limited scale and that it would be set off the boundary it is not considered that this would result in demonstrable harm to the character of the dwelling or wider streetscene.
- 7.2.1 In summary, the proposed development would not result in any adverse harm to the character or appearance of the host dwelling or streetscene. The development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space' and Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.3.2 The closest residential neighbour to the application site is Farm Cottage, this neighbour does not adjoin the application site boundary and is set over 100 metres from the application site's rear elevation. East of the site is a Cemetery and to the south-east are the former asylum administration structures. The rest of the site is surrounded by arable fields and Leavesden Country Park. In light of the existing site circumstances, it is not considered that the proposed development would result in any harm to the residential amenities of the occupiers of any neighbouring dwelling.

7.3.3 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (2013).

7.4 Rear Garden Amenity Space Provision

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

7.4.2 The application dwelling currently has two bedrooms and a large study, the proposal would increase the number of bedrooms within the dwelling by two to create a four-bedroom dwelling. Following implementation of the development the application site would retain approximately 4482sqm of rear amenity space which would exceed the guidelines set out at Appendix 2 of the DMP LDD. The proposal is therefore considered acceptable in this regard.

7.5 Wildlife and Biodiversity

7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. 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 LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

7.6 Mandatory Biodiversity Net Gain

7.6.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

7.6.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

7.7 Trees and Landscaping

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

7.7.2 The application site is not located within the Conservation Area. There are however a number of large trees within the application site, none of which appear to be protected by a Tree Preservation Order. The existing trees on site are separated from the area of the proposed development which would be sited on an area of existing hardstanding. As such, it is not considered that any trees would be affected as a result of the proposed development. The proposal is therefore considered acceptable in this regard.

7.8 Highways, Access and Parking

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

7.8.2 The application dwelling currently has two bedrooms and a large study, and the proposal would seek to increase the provision by two, to create a four-bedroom dwelling. Appendix 5 of the DMP LDD sets out that four or more-bedroom dwellings would require 3 assigned spaces within the dwelling's curtilage. The application dwelling has an existing driveway and a car port with off street parking for more than 3 vehicles, no alterations are proposed to the existing hardstanding and as such the proposal is considered to comply with the above guidelines. As such, the proposal is considered acceptable in this regard.

7.9 Very Special Circumstances

7.9.1 The NPPF sets out the following with regard to inappropriate development:

7.9.2 Paragraph 152 of the NPPF states that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*.

7.9.3 Paragraph 153 further outlines that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*

7.9.4 In addition to the above the applicant's agent has highlighted that the fallback position (ie the implementation of the prior approval rear extension and permitted development side extension) plus the previous planning approval amount to a 130% increase in floor area. When officers have calculated the percentage increases across the application this has been calculated at approximately 121%. Whilst this is also significantly above that under the previous planning approval officers would note that the application 23/2183/FUL and 24/0382/CLPD would never be able to be implemented together as the implementation of both would invalidate the permissions as neither would then be accord with the approved plans. Officers note that the applicant's agent has drawn attention to the potential of a further side extension to the east, this fallback position has not been established and is therefore afforded limited weight.

7.9.5 It is acknowledged that the site has established a permitted development fallback position via 24/0383/PDE and 24/0382/CLPD, and if implemented together would result in a cumulative increase of 94% above the original, whilst this is afforded moderate weight in the planning balance officers consider that the permitted development fallback position is less harmful to the Green Belt than the application currently which proposes a 122% increase. The proposed development is considered to add significant bulk and massing to the dwelling which would result in further encroachment into the Green Belt beyond the established building line, It is acknowledged that the extensions proposed under this application do not project as deep as those under the Lawful Development Certificate and Prior Approval scheme. However, in this case the depth of the extension to the south extends across the whole width, would have three hipped roofs and proposes a terrace that

projects further into the Green Belt than the previous approvals. The extension to the west would add an increased bulk and roof level which would increase the apparent bulk and mass of the dwelling to an unacceptable degree. The extensions in this case are considered to add apparent bulk and mass to the dwelling increasing the visual prominence and impact on the Green Belt.

7.9.6 The extension to the south and west (entrance hall, bed 4 and boot room) are considered to be inappropriate development that does not meet any of the relevant exceptions. Taking the various aspects of the proposed development as a whole, and the level of accommodation that can be achieved through the fallback position and previous approval it is still considered that cumulatively the fallback position would be less harmful than that currently proposed.

7.9.7 In this case, it is considered that the proposed development would result in actual harm to the Metropolitan Green Belt by reason of the increase in bulk and massing to the side and rear of the dwelling, and the cumulative impact of the disproportionate additions on the original dwelling. No very special circumstances have been identified or presented which would outweigh this harm.

8 Recommendation

8.1 That PLANNING PERMISSION BE REFUSED, for the following reason:

R1 The proposed extensions, by virtue of their floor area, their scale and massing would represent disproportionate additions over and above the size of the original building and would therefore constitute inappropriate development in the Green Belt by definition, resulting in demonstrable harm to the openness of the Metropolitan Green Belt. The development would therefore be contrary Policy CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

8.2 Informatives:

I1 The Local Planning Authority has been positive and proactive in considering 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 encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

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PLANNING COMMITTEE – 18 July 2024

24/0763/RSP – Retrospective: Installation of rooflight and alterations to fenestration at 6 HOLBEIN GATE, NORTHWOOD, HA6 3SH.

Parish: Batchworth Community Council
Expiry of Statutory Period: 08.07.2024

Ward: Moor Park and Eastbury.
Case Officer: Lauren Edwards

Recommendation: That subject to conditions RETROSPECTIVE PLANNING PERMISSION IS GRANTED.

Reason for consideration by the Committee: The application has been called in by Batchworth Community Council unless Officers are minded to refuse due to concerns regarding impact on the privacy of neighbouring properties.

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

[24/0763/RSP | Retrospective: Installation of rooflight and alterations to fenestration. | 6 Holbein Gate Northwood HA6 3SH \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0763/RSP-Retrospective-Installation-of-rooflight-and-alterations-to-fenestration-6-Holbein-Gate-Northwood-HA6-3SH)

1 Relevant Planning and Enforcement history

- 1.1 24/0002/COMP – Enforcement enquiry: Flank windows not in accordance with 21/1620/FUL – Pending consideration.
- 1.2 23/0101/CLPD - Certificate of Lawfulness Proposed Development: Construction of an outbuilding - Permitted
- 1.3 21/1620/FUL – Extension of front porch, single storey side/rear extension, part single, part two storey rear extension, conversion of garage into habitable accommodation and loft conversion including rear dormers and front rooflights - Permitted and implemented.
- 1.4 8/482/89 - Conservatory – Permitted.
- 1.5 8/707/82 – Conversion of garage and extension to utility - Permitted

2 Description of Application Site

- 2.1 The application site has an irregular shaped plot owing to its siting on the corner of the cul-de-sac of Holbein Gate, Northwood. Both flank boundaries are splayed such that the width of the plot increases towards the rear.
- 2.2 The application dwelling is a two storey pitched roof detached dwelling which has recently been extended in pursuance to planning permission 21/1620/FUL. Works are now nearing completion.
- 2.3 Owing to the siting of the application site in the corner of the cul-de-sac the application dwelling is set back from the neighbour at No.7 with the neighbour at No.4 sited at an angle such that their rear elevation faces away from the application site.

3 Description of Proposed Development

- 3.1 This application seeks retrospective planning permission for the installation of a rooflight and alterations to fenestration.
- 3.2 There are two first floor flank windows in situ. They are obscure glazed (serving 2 en-suites, a bedroom and the stairwell). The windows have child catches on but are openable below

1.7m (approx. 1.35-1.4m) and top hung such that the openable part is at the bottom of the casement.

3.3 Amended plans have been received to retain the stairwell window in situ but to show the remaining three windows to be altered such that they would be bottom hung (tilting towards the inside of the room) with permanent restrictors (100mm max opening).

3.4 Retrospective permission is also sought for an additional front rooflight which is currently in situ on the front roofslope.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Batchworth Community Council: [No response received]

Batchworth Community Council strongly object to this application.

1. The addition of fully opening windows on the flank sides facing No 5 and 7 is a clear disregard for the neighbour's privacy. These windows should be removed and replaced with ones that have a 1.7m high top opening only and be fitted with obscure glass as per the original decision notice.

Batchworth Community Council request that this application be called in unless officers are mindful to refuse.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 4

4.2.2 Responses received: 1 objection.

4.2.3 Summary of objections:

- Overlooking
- Loss of privacy
- Windows should be changed to those approved or to comply with Condition 4.

4.2.4 Site Notice: Not required.

4.2.5 Press Notice: Not required.

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 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).

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2023 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.3 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

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

6.4 Other

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

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

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

The Environment Act 2021.

7 **Planning Analysis**

Background

Following a report of an alleged breach of planning control pertaining to the windows (24/0002/COMP) it was ascertained that the windows in situ failed to comply with those shown on the approved plans for 21/1620/FUL. However given that the windows are inserted within the original flanks of the dwelling it was concluded that they breached the conditions of the General Permitted Development Order as they were openable below 1.7m above floor level. The rooflight in the front elevation could generally have been considered

to comprise permitted development however given that it was constructed at the same time as the scheme granted via 21/1620/FUL required planning permission.

7.1 Impact on the character and appearance of the host dwelling and the locality

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.1.2 The additional rooflight within the front roofslope is proportionate in size and scale to the host roof. Even when considered with the other two rooflights the overall number and scale of rooflights does not appear excessive. Furthermore a number of other front rooflights evident in the locality such that additional rooflight would not appear incongruous.
- 7.1.3 Whilst the flank windows are visible from some angles on the street it is not considered that the presence of such windows appears incongruous within the residential setting of the application site.
- 7.1.4 As such it is not considered that the development results in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 There are four first floor flank windows currently in situ. They serve a stairwell and an ensuite in the eastern flank facing No.7 Holbein Gate and a bedroom and an en suite in the western flank facing No.5 Holbein Gate. Currently the windows are all purpose made obscure glazed. With the exception of the window serving the stairwell which is above the drop of the stairs they are top hung such that they open below 1.7m. With the exception of the stairwell window having made an internal site visit it was considered that all 3 remaining windows as currently in situ result in both actual and perceived overlooking towards the private amenity space and windows of both neighbours.
- 7.2.3 The stair window is above the drop on the stairs as and such does not afford any unacceptable views towards neighbours. Therefore it is considered acceptable for this window to be retained in its current form.
- 7.2.4 As set out above the three other windows are not considered acceptable in their current form and as such amended plans have been received to show these 3 windows to be replaced with bottom hung windows and permanently fitted restrictors which would limit the maximum opening to 100mm. Having a window bottom hung with restricted opening, tilting into the room in which they serve, would mean that the portion of the window which would have the greatest opening depth would be at the top. Therefore views could not be had up and over into neighbour gardens when an average height person were stood in a natural position within the room. The windows would also remain as obscure glazed to mitigate both actual and perceived overlooking. A condition would be added to require the 3 windows to be altered to this effect within 3 months of the date of any permission granted.

- 7.2.5 The front rooflight is angled skyward and is located within the front roofslope. Thus does not afford any unacceptable overlooking to neighbouring amenity.
- 7.2.6 In summary, subject to conditions, the development does not result in any adverse impact on the residential amenity of any neighbouring occupier so as to justify refusal of the application and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.3 Highways & Parking
- 7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.3.2 Appendix 5 outlines that dwellings with four or more bedrooms should provide 3 on-site parking spaces. The proposal has not resulted in the creation of any additional bedrooms and the existing parking provision to the frontage would remain.
- 7.4 Rear Garden Amenity Space
- 7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.4.2 Appendix 2 requires 105 sqm of amenity space. The proposal does not result in the creation of any additional bedroom or loss of existing amenity space.
- 7.5 Trees & Landscape
- 7.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.5.2 The application site is not located within a Conservation Area nor are there any protected trees on or near the site. Furthermore owing to the nature of the development it is not considered that any adverse impacts would have resulted or could result in the future in this respect.
- 7.6 Biodiversity
- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.
- 7.7 Mandatory Biodiversity Net Gain

7.7.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions, and an exemption applies in relation to planning permission for a development which is the subject of a householder application, within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

7.7.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because this application is a Section 73 application and would also relate to householder development.

8 Recommendation

8.1 That retrospective PLANNING PERMISSION IS GRANTED subject to conditions:

C1 Within THREE MONTHS of the date of this permission the first floor flank windows serving the bedroom and two en-suite bathrooms shall be replaced with purpose made obscurely glazed bottom hung and internally tilted windows, fitted with a restrictor which restricts the opening of the windows to no more than 100mm (as more particularly shown on plan number 24A). The windows shall be permanently maintained in that condition thereafter. In the event a restrictor serving the windows is removed or broken, a restrictor shall be re-installed or a new one installed as necessary within ONE MONTH in accordance with the above and maintained thereafter with this process to be repeated in perpetuity.

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 flank window serving the stairwell and front rooflight shall be maintained in accordance with the details shown on plans numbers 24A, 23 and 22.

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

8.2 Informatives

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £145 per request (or £43 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

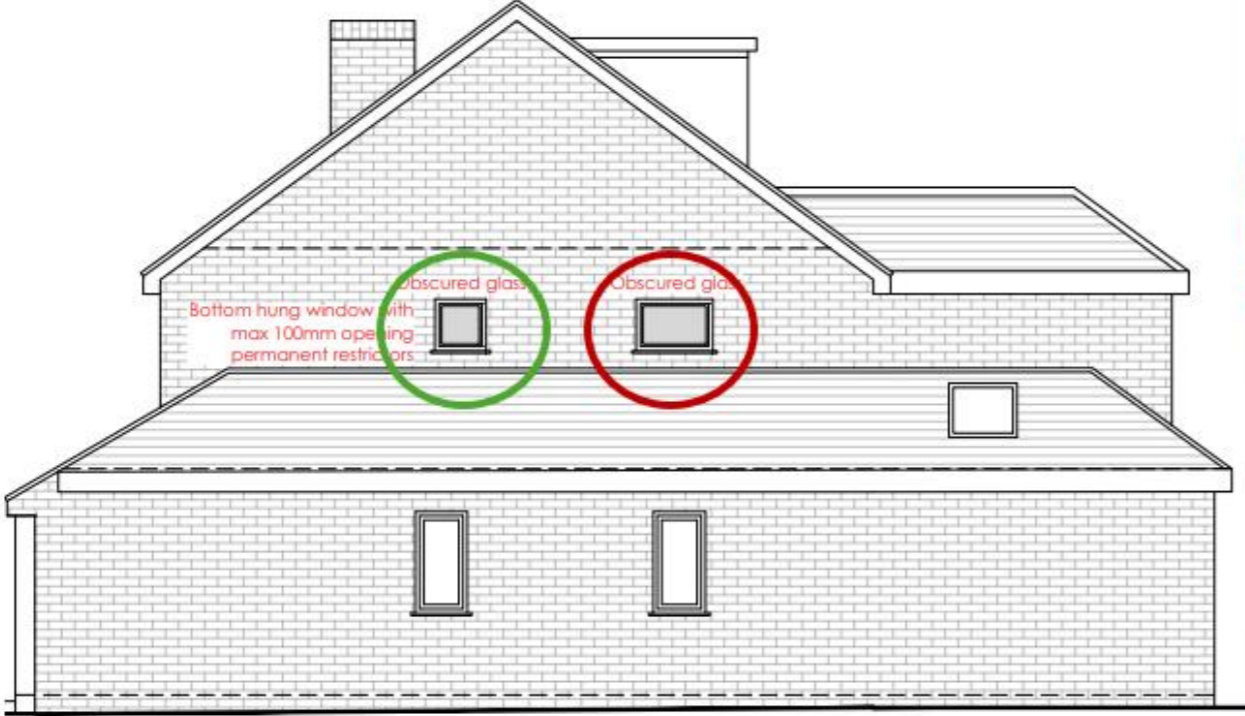
Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

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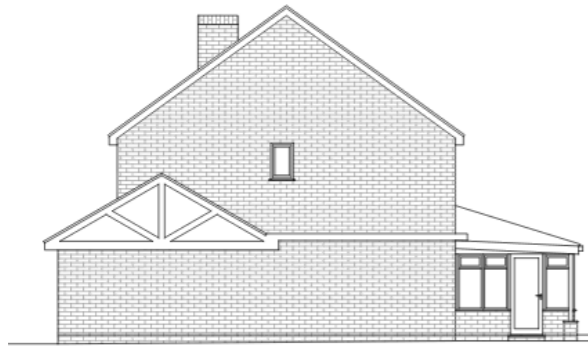
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'PRE EXISTING'
proposed

As approved (with 1.7m obscure condition)

As built

Now



EXISTING SIDE ELEVATION



PROPOSED SIDE ELEVATION



AS-BUILT SIDE ELEVATION



AS-BUILT SIDE ELEVATION



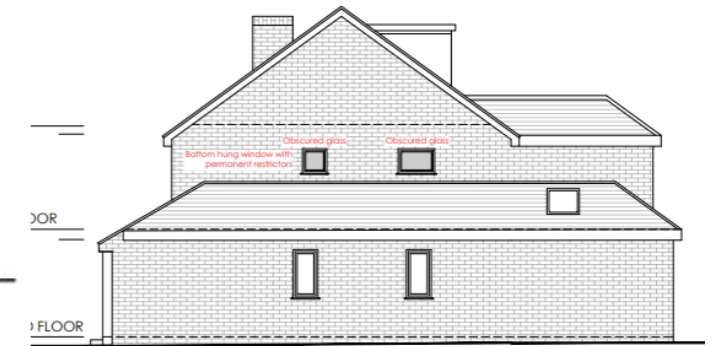
EXISTING SIDE ELEVATION



PROPOSED SIDE ELEVATION



AS-BUILT SIDE ELEVATION



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