PLANNING COMMITTEE – 27 MAY 2021

PART I - DELEGATED

6. 21/0317/RSP- Part Retrospective: Demolition of existing ground floor side extension and balcony and replacement with double storey side extension, single storey side and front extension, new porch over front door, landscaping to include a parking space to front of property and associated landscaping works at 4 ARTICHOKE DELL, DOG KENNEL LANE, CHORLEYWOOD, WD3 5EQ
(DCES)

Parish: Chorleywood Parish Council
Ward: Chorleywood North and Sarratt
Expiry of Statutory Period: 19.03.2021
Case Officer: Aaron Roberts

Recommendation: That the application is Refused.

Reason for consideration by the Committee: The application has been called in by three Members of the Planning Committee. The application was called in order to fully address the harm to the Conservation Area and openness of the Green Belt, given the presence of a personal statement.

Update 17.05.2021

The application was considered by Members at the Planning Committee Meeting on 22 April 2021. At that meeting Members agreed to defer the application to enable a site visit to take place.

1 Relevant Planning History

1.1 11/1735/FUL – Replacement Windows – Permitted.

1.2 20/2101/FUL - Demolition of existing single storey side extension and replacement with proposed two storey side extension - Permitted.

1.3 20/2812/FUL- Demolition of existing single storey side extension and replacement with proposed two storey side and single storey front extension, raised terrace and creation of parking area - Withdrawn.

2 Description of Application Site

2.1 The application site is situated within Artichoke Dell an isolated cluster of buildings on the western side of Dog Kennel Lane in Chorleywood. The application site is accessed by a gravel pathway which slopes upwards from east to north-west with the dwellings in vicinity sited on different land levels. The application site is in the Metropolitan Green Belt and Chorleywood Common Conservation Area.

2.2 The application dwelling is a two storey semi-detached dwelling with a red brick exterior. Yellow bricks are using to provide detailing on the facades including arches and surrounds to the windows, quoin details to the corners of the building, and horizontal bands across the front façade of the application dwelling. The attached neighbouring dwelling replicates these details. The building has a pitched slate roof. The pre-existing property was extended to the side at ground floor level. Above this extension was an area of external terracing. During a recent site visit, it was apparent that a substantial amount of the previously approved two storey side extension (20/2101/FUL) had been constructed.

2.3 The attached neighbouring property to the west, No.5 Artichoke Dell, is a two-storey semi-detached dwelling with a similar design as the host dwelling. This neighbouring dwelling has been extended at ground floor level to the side and to the front via a porch.

2.4 The neighbouring property to the south, No.3 Artichoke Dell, is a two storey semi-detached dwelling. It is situated perpendicular to the host dwelling. Within the front roofslope, there is a dormer window.

3 Description of Proposed Development

3.1 This application seeks part retrospective planning permission for the demolition of an existing ground floor side extension and balcony and its replacement with a double storey side extension, single storey side and front extension, new porch over front door, landscaping to include a parking space to the front of the property and associated landscaping works.

3.2 The two storey side extension is currently under construction and has been substantially completed. Itis located to the eastern flank elevation. It has a depth of approximately 3.5 m and a width of 2.6m. It has the same footprint as the existing ground floor side extension. It has a gabled roof with a maximum height of approximately 6.8m when measured from the front elevation and an eaves height of 5.3m, in line with the eaves of the original dwelling. The extension is set back from the front façade and rear wall, and the ridge is set down from the ridge to the main building. At ground floor level, the two storey side extension would serve a kitchen and at first floor would serve a bedroom. Within the front elevation a window is located at first floor. Windows are not inserted within the rear elevation. Within the side elevation, two windows are located within the ground and first floors respectively. As part of the works, the existing steps leading down to the shed, close to the eastern boundary have been removed and the ground level altered, to accommodate the extension. The two storey side extension is finished in materials to match the existing dwelling.

3.3 The proposed single storey side and front extension would adjoin the front of the abovementioned two-storey side extension and would partly adjoin the existing dwelling. It would have a depth of approximately 1.7m and a width of 2.4m. It would have a hipped roof with a maximum height of approximately 3.5m and an eaves height of 2.4m. Within the front and side elevation there would be a window. The ground floor extension would serve a utility room. The proposed side and front extension would be finished in materials to match the existing dwelling.

3.4 The proposed front porch canopy would be positioned above the main door of the application dwelling and would project approximately 0.9 metres forward of the principal elevation and would have a total width of 1.8 metres. It would have a pitched roof with a ridge height of 3.1 metres above ground level. The proposed materials or finish of the front porch canopy have not been provided.

3.5 A rooflight is proposed within the rear roofslope of the existing building.

3.6 To the front of the dwelling, an existing area of grass within the applicant's ownership is to be used for a disabled parking space. The space would be located towards the north-east of the site, between the front patio area which was prior to recent works enclosed by low level boundary treatments and the track to the north. The space would have a depth of approximately 4.8m and a width of 2.4m. The area of grass subject to the parking space will be replaced with ATS Netlon Advanced Turf, a form of re-enforced natural turf. The western section of grass under the ownership of the applicant will be tapered down by approximately 0.2m, to match the level of the adjoining track. This will provide access to the parking space, which will involve driving over a section of grass and a path.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objection]

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

Should the plans change or our Objections have been addressed, please advise the Parish Council so our comments can be amended.

The proposed parking space at the front of the property will alter the character and impact the adjoining properties.

The proposed parking space at the front of the property will cause major issues for the refuse and emergency services using the narrow lane at the front of the properties. The proposed parking space will not allow enough space for a car parking space at the entrance to the property.

The proposed parking space would require a change to the existing levels to facilitate a car parking space and as a consequence, the proposed parking space will alter the character of this part of the Conservation Area and result in less than substantial harm to the character and appearance of this part of the Conservation Area.

The proposed parking space will not meet the required dimensions for parking.

The proposed car parking space would be provided on Common Land'.

Officers Note: The LPA acknowledge the Parish Council's concerns relating to the proposed development allegedly encroaching upon the Common. This will be discussed in more detail within the analysis section.

4.1.2 Conservation Officer: [Objection]

'This application is for the demolition of existing ground floor side extension and balcony and replacement with double storey side extension, single storey side and front extension, new porch over front door, landscaping to include a parking space to front of property and associated landscaping works.

This property is located in the Chorleywood Common Conservation Area. This property forms part of three dells including; Appletree Dell, Artichoke Dell and Cherry Tree Dell located within the Common. The area appraisal states: The three Dells which are set within the Common are considered to form an integral part of the Common.

As noted in previous heritage advice pertaining to a similar scheme for this property there is no in principle objection to the demolition of the existing side extension. The proposed side extension would be a subservient and sympathetic addition to the property. The proposed canopy of the principal entrance would also raise no objection.

However, I would be unable to support the single storey front extension. Front extension to properties within conservation areas are generally unacceptable and the proposed front extension detracts from the appearance of the property thus detracting from the character and appearance of the Conservation Area. I recommend that fenestration pattern of the flank elevation is simplified to just two centrally placed windows above one another within the gable end with matching proportions to those of the front elevation.

The proposals would, in my opinion, fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regard to the NPPF paragraph the level of harm is considered to be 'less than substantial' as per paragraph 196. Additionally, 'great weight' should be afforded to the conservation of heritage assets as per 193 of the NPPF.

If the front single storey extension was omitted from any future application and the windows amended in accordance with the above recommendation, there is potential for an acceptable scheme'.

4.1.3 Footpath Section: [No comments received]

4.1.4 Hertfordshire Ecology: [No Objections, subject to informatives]

'I am not aware of any habitat or species data for this site, which includes a semi-detached two storey dwelling with single storey side extension, and front and side garden. There are records of bats and great crested newts in the area.

Local Nature Reserve / Local Wildlife Site

The property is adjacent to Chorleywood Common, which is a statutory Local Nature Reserve (LNR), and non-statutory Local Wildlife Site (LWS), as well as registered common land. In fact, the red line boundary includes part of Chorleywood Common (is this correct, i.e. is this owned by the applicant?). There should not be any irrecoverable physical damage to the grassland of this LNR / LWS and I recommend the following Condition (or Informative if more appropriate) is added to any consent granted:

All works (including vehicle movements, materials and waste), must be kept within the curtilage of the proposed development site or on existing hardstanding as far as is practicable, to avoid unnecessary detrimental physical impact to Chorleywood Common Local Nature Reserve / Local Wildlife Site.

Great crested newts

Great crested newts (including the animals, eggs, breeding sites and resting places) are protected by European and national legislation. These amphibians spend the majority of their lifecycle on land, typically up to 100m from their breeding pond but can travel further if suitable contiguous commuting and sheltering habitat is present.

Great crested newts are known to breed in ponds on Chorleywood Common. I do not anticipate any adverse effects from these proposals on great crested newts; however to avoid an offence being committed, I advise a precautionary approach Informative is added to any consent granted:

Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains / becomes unsuitable for Great Crested Newts to cross. Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on. Any trenches on site should be covered at night or have ramps to ensure that any animals that enter can safely escape - this is particularly important if holes fill with water. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately, and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England

Bats

The property looks to be in well-sealed condition and on this occasion, I do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. However, as bats are known to be in the area, I advise a precautionary approach Informative is added to any permission granted.

If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England, to avoid an offence being committed'.

4.1.5 Herts and Middlesex Wildlife Trust: [No comments received]

4.1.6 National Grid: [No comments received]

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 5

4.2.2 No of responses received: 3

4.2.3 Site Notice: Expired on 18.03.2021

4.2.4 Press notice: Expired 19.03.2021

4.2.5 Summary of Responses: Three Objections

- Object to the proposal to provide a parking space directly in front of the property
- The boundary line must surely be the fence line and therefore removing topsoil and replacing this with concrete is development on public land
- Adequate parking already takes on the gravel drive less than 4 metres from the property so there is no need for further encroachment onto The Common.
- Would result in loss of Common Land
- It would be impossible to park a vehicle as shown on the plan as no provision has been made to either enter or exit the space.
- To allow this parking space would set a precedent for the adjacent cottages to make similar applications and the existing grass verge would become a concrete road.
- The area for the proposed parking space has not been set aside via the appropriate Common Land procedures as a space for use by vehicles
- Loss of grass would have a detrimental impact upon the visual amenity of this prominent terrace of period properties as viewed from the Common, contrary to National and Local Planning policies, as well as Chorleywood Neighbourhood Plan
- Concerns relating to Certificate B of Application Form not being signed or other relevant documentation to the Parish Council, as well as ownership/ boundary issues with the Common.
- The Friends of Chorleywood Common maintain that the strip of amenity land is Common Land and in the ownership of Chorleywood Parish Council and consequently Certificate A of the application fails. Therefore the application should be refused

Officers Comment: The LPA acknowledge the concerns relating to the proposed development allegedly encroaching upon the Common. This will be discussed in more detail within the analysis section.

5 Reason for Delay

5.1 N/A.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against

another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

6.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM2, DM3, DM6, DM13 and Appendices 2 and 5.

The Chorleywood Neighbourhood Development Plan is also relevant, specifically Policy 2.

6.3 Other

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

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

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

Chorleywood Common Conservation Area Appraisal (adopted February 2010).

The Supplementary Planning Guidance No. 3 - Extensions to Dwellings in the Green Belt (March 2004) provides further guidance on extensions to dwellings in the Green Belt

7 Planning Analysis

7.1 Overview

7.1.1 During the application process, concerns have been raised relating to the ‘ownership’ of the piece of land to the north-east of the site, between the front patio and track road to the north, where the proposed car parking space would be located. It has been alleged that the strip of ‘amenity land’ is Common Land and in the ownership of Chorleywood Parish Council.

7.1.2 The LPA have reviewed the Land Registry Plan (HD 60263) and have concluded that the submitted Location and Site Plan is accurate in relation to the extent of ownership. The Land registry plan shows the ‘red line’ to adjoin the track, which would suggest that the

piece of land where a vehicle will park, falls within the ownership of 4 Artichoke Dell and does not form part of the Chorleywood Common.

7.1.3 Whilst the extent of ownership extends to the adjacent track, it does not automatically follow that the land within the single title deed falls within the same planning use or planning unit. Prior to construction works, it appears that the residential planning unit (i.e. dwelling and associated garden) was bounded to the north by metal railings, consistent with the attached neighbouring property. The land beyond the metal railings is open in character and does not appear to be maintained as regularly if it fell within the residential planning unit of the dwelling. Consequently, it therefore appears that the parcel of land between the railings and the track falls outside of the residential planning unit and thus planning permission would be required to incorporate this land within the residential planning unit.

7.1.4 It is recognised that the submitted plans show a parking space within this parcel of land. However, the resultant works as shown on the submitted 'typical construction detail' on drawing number 2020/261/003E indicate that the area would still be grassed, albeit with some below ground aggregate and geogrids. Consequently, it is not considered that the parking of a vehicle on the enhanced grass (which could potentially appear now) would constitute a material change of use of the land.

7.2 Impact on Metropolitan Green Belt

7.2.1 The site is located within the Metropolitan Green Belt. Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. In relation to extensions to buildings in the Green Belt the NPPF stipulates at paragraph 145 that provided the extension or alteration of a building does not result in a disproportionate addition over and above the size of the original building it would not be inappropriate. Inappropriate development is, by definition, harmful to the Green Belt.

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

7.2.3 Policy DM2 of the Development Management Policies LDD (adopted July 2013) 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.

7.2.4 The 'Extensions to Dwellings in the Green Belt Supplementary Planning Guidance' provided further explanation of the interpretation of the 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.

7.2.5 Greenbelt Calculations:

Original floor space- 53sqm
Floor space of existing extensions- 6.6sqm
Floor space of proposed extensions- 15.9sqm
Floor space following proposed extension- 68.9sqm

Percentage increase – 30%

7.2.6 The proposed extensions would result in an increase of approximately 30% to the original floor space. Therefore, the proposed extensions would be within the guidance figure of 40% that is considered to be acceptable within the Metropolitan Green Belt. It is however important to assess the proposals in terms of their impact upon the openness of the Metropolitan Green Belt.

7.2.7 The two storey side extension has the same footprint as the existing ground floor side extension. Given the splayed nature of the eastern boundary, the extension is situated a minimum of 0.9m from the eastern boundary and a maximum of 2.2m. The configuration of the part of Artichoke Dell where the application site is located, is unusual in the sense that the nearby dwellings are clumped together in an 'L' shape. As such views between the adjoining dwellings do not readily contribute to the openness of the landscape. The extension does not project built form to the side, front or rear of the dwelling. Instead the pre-existing footprint is utilised, with the built form built upwards. Although the maximum height of the extension is almost level with the ridge of the main dwelling, it is considered that the roof form is subservient. Additionally, the extension is built towards No.3's front elevation, where there is already the presence of built form, rather than a previously undeveloped piece of land. SPG No.3 states 'extensions at first floor level or above (except for dormer windows) should not significantly extend the width of the original building or in any other way make the building more prominent by virtue of its bulk and/or design.' Taking note of the above, it is not considered that the two storey extension makes the building significantly more prominent within the streetscene. With regards to the proposed single storey front and side extension, which would adjoin the two storey side extension, it is acknowledged that it would project forward of the dwelling and would result in a slight increase in bulk and massing in comparison to the host dwelling. However, given that the extension would be single storey in nature and that the proposed extensions would not exceed the 40% guidance figure for extensions within the Green Belt, the proposal is not considered as inappropriate development. It would have a depth of approximately 1.7m, with the footprint largely contained within an area characterised by hardstanding in the form of a pre-existing front patio. As such, it is not considered that this element of the proposal would detrimentally harm the openness of the Green Belt to such an extent, as to warrant the refusal of planning permission. When viewed together, the extensions would not serve to materially increase the prominence of the development within the landscape or results in any significant material increase in demonstrable harm to the openness of the Green Belt and therefore would not amount to disproportionate additions.

7.2.8 The proposed canopy would be open in nature and would not increase the prominence of the building within its setting or impact on the openness of the Metropolitan Green Belt.

7.2.9 Paragraph 146 of the NPPF also states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One such exception is engineering operations.

7.2.10 The area of grass to be enhanced to facilitate the parking of a vehicle could be considered as an engineering operation and thus can be considered appropriate development within the Green Belt subject to preserving the openness of the Green Belt and not conflicting with the purposes of including land within it. The area of grass will be upgraded by being replaced with ATS Netlon Advanced Turf, a form of re-enforced natural turf. According to the submitted plans, the levels would not be altered, with the ATS turf replacing 'like for like' the existing soft landscaping. Given the proposed soft landscaping would be re-enforced natural turf, which would be indistinguishable from the current grass area, it is considered that the works would preserve openness and would not conflict with the purposes of the Green Belt. Whilst there would be a visual impact arising from a parked vehicle, in planning terms there is nothing to stop the applicant currently utilising the grass area.

7.2.11 In summary, the proposed extensions, canopy and enhanced area of grass would all

constitute appropriate forms of development. As a direct result there is no harm to openness and the proposed development accords with Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2019).

7.3 Design and Impact on Character and Conservation Area

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

7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Development proposals must not be excessively prominent in relation to adjacent properties or to the general street scene; respect the character of the property/street scene particularly with regard to the roof form, positioning and style of windows and doors and materials. With specific regard to Appendix 2, in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality, two storey extensions may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2 metres. With regards to front extensions, applications will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent in the street scene

7.3.3 The site is within the Chorleywood Common Conservation Area and therefore Policy DM3 of the Development Management Policies LDD is applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area. The host dwelling is situated in "Character Zone E" as set out within the Chorleywood Common Conservation Area Appraisal. The appraisal sets out that the area's key characteristic is its open and rural nature with varying topography with interesting vistas.

7.3.4 Policies 1 and 2 of the Chorleywood Neighbourhood Plan are also relevant to this application. Policy 1 states that ‘development proposals in conservation areas should preserve or enhance the character or appearance of the conservation area and use materials that are appropriate as defined in the relevant conservation area appraisal document’. Policy 2 states: 'All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design’.

7.3.5 Given the location of the dwelling and the two storey side extension, it is highly visible from the streetscene. The two storey side extension is set in slightly from the front and rear elevations and although the maximum height of the extension is almost level with the ridge of the main dwelling, it is considered that the extension is subservient. It is considered that the extension is an appropriate size for the property and does not result in an unacceptable increase in bulk and massing. Additionally, the gabled roof form and the materials to match maintains the symmetry of the original dwelling. Although part of the extension is not set 1.2m from the boundary due to the splayed eastern boundary, given the dwellings location on a corner plot and the ‘L’ shape configuration of adjoining properties, it is not considered that the two storey side extension results in a terracing effect. The Conservation Officer recommends that the fenestration pattern of the flank elevation is simplified to just two centrally placed windows above one another within the gable end with matching proportions to those of the front elevation. However, a similar fenestration pattern was permitted under 20/2101/FUL and in any case, it is considered that the proposed fenestration is acceptable.

7.3.6 Given its location, the proposed single storey front and side extension would be readily visible from the streetscene. The Conservation Officer stated that they would be unable to support the single storey front and side extension, as the proposed front extension detracts from the appearance of the property, thus detracting from the character and appearance of

the Conservation Area and resulting in 'less than substantial harm' to the Conservation Area. The extension would be readily visible from many vantage points from within the Conservation Area, given that it would project approximately 1.3m beyond the principal elevation of the main dwelling. Although the extension would be single storey and have a hipped roof form, it would have a maximum height of approximately 3.5m, almost level with the cils of the first floor windows, which would emphasise its incongruous nature. It is considered that the proposed extension would dominate the appearance of the dwelling, especially when viewed in conjunction with the previously approved two storey side extension. The extension would therefore detract from the appearance of the host dwelling, drawing one's eye towards the extension rather to the original simple, formal and symmetrical cottage style front façade.

7.3.7 The proposed front canopy porch would be visible from the street scene and would have a width of 1.8m, depth of 0.9m and height of 3.1m. Given that the proposed canopy porch would not project significantly forward of the host dwelling and there are other examples of canopy porches within Artichoke Dell at No.3 for example, it is not considered that this element would appear excessively prominent nor would it result in harm to the character of street scene or the Conservation Area. The Conservation Officer also raises no objection to this feature. A condition would be added to provide further details of the proposed materials and finish of the front canopy porch.

7.3.8 To the front of the dwelling, the area of grass to be upgraded would have a depth of approximately 4.8m and a width of 2.4m. The area of grass where the vehicle would be parked, will be replaced with ATS Netlon Advanced Turf, a form of re-enforced natural turf. According to the submitted plans, the levels would not be altered, with the ATS turf replacing 'like for like' the existing soft landscaping. Given the proposed soft landscaping would be re-enforced natural turf, which would be indistinguishable from the current grass area, it is not considered that the creation of the car parking space would detrimentally impact the setting of The Common or the wider Conservation Area.

7.3.9 As part of the works, a rooflight is proposed within the rear roofslope. Although it is located within the rear roofslope, given the configuration of the dwelling and its positioning on a high land level, there would be views of the rooflight. However, given the minimal scale of the rooflight and that rooflights are present on nearby properties, it is not considered that the rooflight would result in an unduly prominent addition and would be acceptable with regard to its impact on the host dwelling, street scene and wider area including the Chorleywood Common Conservation Area. Additionally, a condition would be added to ensure that the proposed rooflight is a conservation style rooflight, set flush with the adjacent roofing materials and not project above the plane of the roof in which they are located.

7.3.10 Given the location, scale and design of the single storey front and side extension, it is considered that the proposal would result in demonstrable harm to the character or appearance of the application dwelling, street scene and Chorleywood Common Conservation Area and the proposal is considered contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, the Chorleywood Common Conservation Area Appraisal (2010) and Policies 1 and 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020). As per paragraph 196 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The material considerations put forward by the applicant are discussed at section 7.8 below.

7.4 Impact on amenity of neighbours

7.4.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the DMP LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential

buildings and development should not result in loss of light to the windows of neighbouring properties nor allow overlooking.

7.4.2 The flank elevation of the two storey side extension is set back approximately 1.9m from the front building line of No.3 Artichoke Dell and 1.5m from the flank elevation. Given that the two storey side extension has the same footprint as the pre-existing extension, the built form is not set closer to this neighbouring dwelling. Although the built form is built upwards, given that the extension is set behind the principal elevation of No.3 and set in approximately 1.5m from No.3's flank elevation, it is not considered that the extension results in a dominating or overbearing form of development. There is a first floor window serving the northern flank elevation of No.3, however, given that there is a gap of 1.5m to the side extension, it is not considered it causes a substantial loss of light to this window as to justify the refusal of planning permission. Furthermore, the flank window of No.3 is not the sole window serving the bedroom, given the larger window within the front elevation. Additionally, there are no rear windows, therefore mitigating against any sense of overlooking. Given the location of No.5 Artichoke Dell and the separation distances, it is not considered that the two storey side extension detrimentally impacts the amenity of the occupiers of this dwelling.

7.4.3 The proposed single storey side and front extension would not extend beyond the flank elevation of the two storey side extension and as such, would not be closer to No.3 than the two storey side extension. The built form of the two storey side extension would screen single storey front and side extension from No.3 and therefore would not be overbearing or cause a loss of light to this neighbour. Given that the flank elevation of the extension would be set approximately 7.4m from the boundary with the attached neighbour, No.5, it is not considered that the proposed extension would be overbearing or cause a loss of light to this neighbour. Given the direction of the front and side windows, not directly facing a neighbour, it is not considered that the proposed fenestration would give rise to a perceived sense of or actual overlooking.

7.4.4 The proposed front canopy porch would project approximately 0.9m forward of the principal elevation of the host dwelling. The attached neighbour No.5 Artichoke Dell shares a uniform front building line with the application dwelling. The canopy porch would be set in from the shared boundary by approximately 3.4m and would be open-sided and therefore, it is not considered that the proposed porch would result in any loss of light to this neighbour.

7.4.5 Given the nature of the works, it is not considered that the use of the grass to facilitate a parked vehicle via the laying of re-enforced turf would cause a loss of light or appear visually intrusive to any neighbouring dwelling.

7.4.6 Given the location of the rooflight within the roofslope, orientated towards the sky, it is not considered that this would result in actual or a perceived sense of overlooking, as any views would be of the flank of No.3 Artichoke Dell.

7.4.7 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.5 Amenity Space

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

7.5.2 A two bedroom dwelling should benefit from private amenity space measuring approximately 63sq. metres. The site as existing lacks amenity space. Prior to works

commencing there was a paved area to the front. The submitted site plan also shows an area of patio to the front with an area of approximately 14.5sqm, which would not comply with policy. The site is, however, located adjacent to Chorleywood Common, which provides access to extensive levels of outdoor space. Therefore, it is considered that the proposal is acceptable in this regard, particularly as the number of bedrooms would not be increasing.

7.6 Parking

7.6.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document.

7.6.2 The number of bedrooms within the dwelling (2) would not change as a result of the development.

7.6.3 The dwelling does not currently benefit from a privately assigned space within the application site. According to the applicant, there is an easement with the Chorleywood Parish Council which allows for the parking of at least one motor vehicle on the track directly to the north of the application site. Notwithstanding this, the proposed development would not increase the number of bedrooms and therefore would not further impact upon the existing shortfall or change the existing circumstances.

7.6.4 However, the scheme is proposing to upgrade an area of grass to facilitate the ability to park on vehicle within the application site. The area to be upgraded would have a depth of approximately 4.8m and a width of 2.4m, in line with standards. Concerns have been raised by objectors as to how the parking space would be accessed. The western section of grass under the ownership of the applicant will be tapered down by approximately 0.2m, to match the level of the adjoining track, to provide access to the upgraded area of grass to be parked upon. Accessing the area to be upgraded with ATS Netlon Advanced Turf will involve driving over the section of grass to be tapered down and a path. The change in level to the verge is minimal and would not comprise development. If no further works are required to facilitate access, there is no planning controls to stop the applicant parking in his land.

7.7 Wildlife and Biodiversity

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

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests 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. As part of the application, the Ecology Officer was consulted. They stated that they do not anticipate any adverse effects from these proposals on the common or great crested newts. Additionally they stated that they do not consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. They did, however recommend a bat related informative be added to any permission as well as stated that all works (including vehicle movements, materials and waste), must be kept within the curtilage of the proposed development site or on existing hardstanding as far as is

practicable, to avoid unnecessary detrimental physical impact to Chorleywood Common Local Nature Reserve / Local Wildlife Site.

7.8 Trees and Landscaping

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

7.8.2 The pre-existing shrubbery to the north-east of the site, some of which may have fell outside the application site has been removed. Although located within a Conservation Area, it is not considered that this shrubbery positively contributed to the amenity of the Conservation Area and were not individually projected. As such, except from a small section of hedge adjacent to the path leading from the track to the dwelling, the site no longer contains any vegetation and the proposal would be acceptable in this regard.

7.8.3 Planning balance

7.8.4 During the course of the application, a personal statement was submitted, explaining the personal circumstances of the applicant and the requirement for the works.

7.8.5 The planning assessment has concluded that there would be harm to the Conservation Area by virtue of the design and siting of the single storey side and front extension. This harm results in 'less than substantial harm' to the Conservation Area. Whilst the applicant's circumstances are acknowledged they do not amount to a public benefit and thus the harm identified cannot be outweighed.

8 **Recommendation:** That planning permission is REFUSED for the following reason:

R1 The proposed single storey front and side extension by virtue of its siting, scale and design would detract from the appearance of the host dwelling thus harming the character and appearance of Chorleywood Common Conservation Area. The harm would result in less than substantial harm however no public benefits have been identified which would outweigh the harm. The proposed single storey front and side extension would therefore be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, the Chorleywood Common Conservation Area Appraisal (2010) and Policies 1 and 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020).

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.