

## PLANNING COMMITTEE - 15 JULY 2021

### PART I - DELEGATED

6. **21/1010/RSP – Part Retrospective: Single storey rear extension and alterations to roof form of existing rear extension at 2C TROWLEY RISE, ABBOTS LANGLEY, WD5 0LW (DCES)**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 05.06.2021

Ward: Abbots Langley And Bedmond  
Case Officer: Aaron Roberts

Recommendation: That Part Retrospective Planning Permission be Granted.

Reason for consideration by the Committee: Called in to Committee by three Councillors given concerns over the size of the plot, its elevated positioning and lack of parking and amenity space.

#### 1 Relevant Planning History

- 1.1 97/0385 - Erection of two semi-detached bungalows – Permitted, implemented.
- 1.2 98/0963 - Loft conversion – Permitted, implemented.
- 1.3 01/00937/FUL – Single storey rear extension - Permitted, implemented.
- 1.4 21/0649/PDE - Prior Approval: Single storey rear extension (depth 4.62 metres, maximum height 3 metres, maximum eaves height 2.7 metres) – No Objection, partly implemented.
- 1.5 21/1049/FUL - Removal of Condition 7 (Removal of Permitted Development relating to future roof works) of planning permission 97/0385 – Permitted.

#### 2 Description of Application Site

- 2.1 The application site is located on a corner plot to the east of Trowley Rise, adjoining the junction with Tibbs Hill Road in Abbots Langley. The application site includes a semi-detached bungalow finished in pebble-dash. To the north of the site, located via Old Trowley, there is an area of hardstanding which is shared between No.2C and 2B. There is an outbuilding which is split equally between the two adjoining bungalows and is used as a garage.
- 2.2 The host dwelling has been extended including a single storey rear extension. This extension was partially set off from the western boundary, however following the grant of 21/0649/PDE, works to infill the extension have commenced. The roof form of this extension has been altered to a flat roof, which forms part of this application. The loft has also been converted into habitable accommodation. Within the rear roofslope, there are two rooflights.
- 2.3 The attached dwelling to the west is No.2B Trowley Rise, a bungalow of similar design to the host dwelling and is un-extended.
- 2.4 To the north of the application site is The Compasses Public House, which is separated from the site via Old Trowley, a single track road.

#### 3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for a single storey rear extension and alterations to roof form of existing rear extension.

- 3.2 The single storey rear extension has a depth of approximately 4.6m, a width of 7.7m and a flat roof with a maximum height of 2.8m. The rear elevation would have bi-fold doors and a triple casement window. The extension is set up to the western boundary. As part of the works, the pre-existing pitched roof was removed and replaced with a flat roof. During the time of the site visit, the external structure of the extension had been built including flat roof. The fenestration and external finish has not been installed.
- 3.3 In April 2021, application 21/0649/PDE was permitted. This prior approval application was for a scheme similar to the proposed scheme. The PDE scheme was similar in the sense that the pre-existing pitched roof form would be altered to a flat roof and the void area close to the western boundary would be infilled. The footprint of the PDE scheme and the proposed scheme is identical. The main changes relate to the roof form. The PDE scheme proposed a flat roof with a maximum height of 3m (0.2m higher than the pending scheme) and a slightly hipped section towards the rear, with an eaves height of 2.8m, rather than a solely flat roof.
- 3.4 During the application process amended plans were received omitting the rear dormer and front rooflights from the scheme.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.1.1 Abbots Langley Parish Council: [No Objection]**

*'The members have no concerns about the scale but feel there could be a better aesthetic approach to the dormer on which is a prominent corner site'.*

**Officers Note:** Following this comment, the rear dormer has been removed from the proposal.

#### **4.1.2 National Grid: No comments received.**

#### **4.1.3 HCC Footpath Section: No comments received.**

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

#### **4.2.1 Number consulted: 9**

#### **4.2.2 No of responses received: No responses received.**

#### **4.2.3 Site Notice (Footpath): Date of Expiry; 04.06.2021**

#### **4.2.4 Press notice: (Footpath): Date of Expiry; 05.06.2021**

#### **4.2.5 Summary of Responses: No responses received.**

## **5 Reason for Delay**

### **5.1 Committee Cycle.**

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

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

In 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, CP12.

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

## 6.3 Other

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

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

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

## **7 Planning Analysis**

### 7.1 Impact on character of host dwelling and street scene

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

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. With specific regard to the proposed development, the Design Criteria at Appendix 2 of the DMP LDD sets out that single storey rear extensions to semi-detached dwellings should generally not exceed 3.6m in depth.

7.1.3 Given the location of the site on a corner plot and its elevated position compared with Tibbs Hill Road, the single storey rear extension is visible from Tibbs Hill Road. Given its depth of 4.6m, the extension would not comply with the criteria set out in Appendix 2 of the DMP

LDD. However, the new extension which has a flat roof form is lower and no deeper than the previous pitched roof extension which was visually more prominent. As a result the extension does not detrimentally impact upon the character of the streetscene or wider area.

7.1.4 Trowley Rise and the adjoining roads have a varied streetscene, with many properties extended to the rear. It is therefore not considered that the scale and design of the single rear extension results in an unduly prominent addition and thus is acceptable in respect of its impact on the host dwelling, streetscene and wider area. The development would comply with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

## 7.2 Impact on amenity of neighbours

7.2.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the DMP LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and development should not result in loss of light to the windows of neighbouring properties nor allow overlooking. The Design Criteria at Appendix 2 of the DMP LDD sets out that single storey rear extensions to semi-detached dwellings should generally not exceed 3.6m in depth.

7.2.2 The single storey rear extension has a depth of approximately 4.6m and is set up to the shared boundary with No.2B Trowley Rise. This neighbouring dwelling is not extended and as such, the extension projects approximately 4.6m beyond the rear elevation of No.2B's rear elevation. This figure would be greater than the guidance figure of 3.6m. The pre-existing extension had a depth of 4.6m, however, only 3m of the extension extended along the boundary with the remainder set in from the said boundary by 3.1m. In essence, the new extension has infilled the previous space between the boundary and the 4.6m deep section of the extension and replaced the former pitched roof with a flat roof. Whilst the extension is 4.6m in depth along a boundary with an un-extended neighbour, its flat roof design assists in reducing its overall impact. It is acknowledged that there is some impact in terms of appearing overbearing, given the extension's depth compared to the un-extended neighbour; however, the property benefits from an extant prior approval permission for a similar scheme, which would have the same footprint and a slightly higher overall height (3m as opposed to 2.8m). This is a valid fall-back position and thus is a material consideration which is afforded significant weight. Given this valid fall-back position, the proposal is considered acceptable.

## 7.3 Amenity Space Provision

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

7.3.2 At present, given the partial completion of the single storey rear extension, the application site benefits from approximately 72sqm of private amenity space. The application dwelling has four bedrooms, including two in the loft space, granted under 98/0963 and as such requires 105sqm of amenity space to meet with standards. The site benefitted from approximately 77sqm of amenity space, prior to the infill extension. The level of private amenity space is currently below the standards set out in Appendix 2, however, it is not considered that the new extension has exacerbated the shortfall to such an extent that would now deprive the future occupiers of an acceptable external amenity area. It is considered that despite the shortfall, the level of amenity space retained is adequate and the shortfall does not result in any harm. To control future development within the curtilage and to protect future levels of amenity space, a condition removing Class E 'buildings etc incidental to the enjoyment of a dwellinghouse' of Schedule 2, Part 1 of the Town and

Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) is recommended. .

#### 7.4 Wildlife and Biodiversity

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

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies 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.

#### 7.5 Trees and Landscaping

7.5.1 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.

7.5.2 The application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. The proposal is therefore considered acceptable in this regard.

#### 7.6 Highways, Access and 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 proposed extension would not increase the number of bedrooms within the dwelling and therefore would not require additional parking spaces. It is not considered that the proposed development would cause harm to highway safety.

### **8 Recommendation**

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

C1 Those parts of the development hereby permitted that have not yet been carried out shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plan: PL-01 REV P4.

Reason: For the avoidance of doubt and in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted

October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

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

- C4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the western elevation of the proposed extension hereby approved.

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

- C5 Immediately following the grant of this planning 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 E - buildings etc incidental to the enjoyment of a dwellinghouse

Reason: To ensure adequate planning control over further development having regard to the shortfall in amenity space and to maintain the character of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 8.1 Informatives:

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

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

Community Infrastructure Levy (CIL) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy

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

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

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

- I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- I3 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- I4 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.