

PLANNING COMMITTEE – 12 AUGUST 2021

PART I - DELEGATED

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

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

Ward: Rickmansworth Town
Case Officer: Scott Volker

Recommendation: That Planning Permission be Granted.

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

1 Relevant Planning History

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

Relevant Enforcement History

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

2 Description of Application Site

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

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

3 Description of Proposed Development

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

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

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

4 Consultation

4.1 Statutory Consultation

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

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

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

4.1.2 Herts and Middlesex Wildlife Trust: No response received.

4.1.3 Herts Ecology: No response received.

4.1.4 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 4

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

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

4.2.4 Summary of Responses:

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

5 Reason for Delay

5.1 Amendments sought and Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

6.2 The Three Rivers Local Development Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM9, DM13 and Appendices 2 and 5.

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

6.3 Other

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

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

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

7 **Planning Analysis**

7.1 Overview

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

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

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

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

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

7.2 Impact on Character and Street Scene

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

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

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

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

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

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

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

7.4 Amenity Space Provision for future occupants

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

7.5 Wildlife and Biodiversity

7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

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

7.6 Trees and Landscaping

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

7.7 Highways, Access and Parking

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

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

7.8 Conclusion

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

8 Recommendation

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

- C1 The development hereby permitted shall be begun before the expiration of SIX MONTHS from the date of this permission.

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

- C2 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

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

8.2 Informatives:

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk 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) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:
The UK Bat Helpline: 0845 1300 228
Natural England: 0300 060 3900
Herts & Middlesex Bat Group: www.hmbg.org.uk or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).
- 15 The Enforcement Notice was required to be complied with by 11th May 2021 and it is an offence to not comply. The applicant is therefore susceptible to prosecution.