

PLANNING COMMITTEE – 22 MAY 2022

PART I - DELEGATED

11. **22/0480/FUL: Demolition of single storey side extension, construction of part single and part two storey side/rear extension, front porch canopy and single storey rear extension at 128 BALDWINS LANE, CROXLEY GREEN, WD3 3LJ. (DCES)**

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 09.05.22
Extension of Time: 31.05.22

Ward: Durrants
Case Officer: Clara Loveland

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Croxley Green Parish Council called-in this application for the reasons set out at paragraph 4.1.1.

1 Relevant Planning History

- 1.1 No relevant planning history.

2 Description of Application Site

- 2.1 The application site contains a two storey detached dwelling located on the northern side of Baldwins Lane, Croxley Green. This end of Baldwins Lane is predominantly residential and contains dwellings of a similar architectural style and design although, the host dwelling is of very different design to the others within the street and is included within Character Area 6 of the Croxley Green Neighbourhood Plan. The application dwelling (known also as 'Old Lodge House') is identified in the Neighbourhood Plan (Policy CA4) as a 'Landmark Building'. It is described as 'early Victorian, original lodge to Durrants'.
- 2.2 The application dwelling has gable roof features and is finished in part cream render, part red brick. There is a single storey garage (with timber cladding to its front gable) and side projection. It is also characterised by 2 large characterful chimneys. The dwelling is set back from the highway by a driveway serving at least 3 vehicles.
- 2.3 The rear is stepped in an 'L' shape. There is a side projection with a roof lantern. There is a large rear garden laid to lawn. Boundary treatment with neighbours consists of close boarded fencing approximately 1.5m in height and vegetation of varying heights.
- 2.4 The neighbouring dwelling to the east, No. 126, benefits from a single storey rear extension, set in from the shared boundary. The neighbouring dwelling to the west, No.128a, has also been extended with a stepped single storey rear extension.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the demolition of the single storey side extension, construction of part single and part two storey side/rear extension, front porch canopy and single storey rear extension.
- 3.2 The proposed two storey side and rear extension would be located on the western side of the dwelling closest to neighbour No.128a. It would have a width of 4.2m, a depth of 8.9m and a gable ended roof form with its ridge level with the existing ridge line, at 7.5m in height. It would serve bedroom 4 and bedroom 2 with en-suite. There would be 2 rooflights within the western roofslope. Bedroom 4 would be served by a window to the front and bedroom 2, a window to the rear. There would be 1 flank window at first floor serving the en-suite bathroom. To the front of the two storey side extension there would be a part single storey

extension which would extend in line with the existing front gable, on the western side closest to neighbour no.128a. It would have a maximum width of 4.2m. It would have a mono-pitched roof with a ridge height of 3m falling to an eaves height of 2.5m.

- 3.3 The proposed single storey rear extension would have a maximum depth of 4.8m. It would have a flat roof with parapet with a maximum height of 3.2m. It would accommodate a living room, dining room and kitchen. There would be 3 rooflights within the flat roof, below the parapet. There would be 2 sets of doors within the rear elevation.
- 3.4 To the front, a porch canopy would be erected. It would have an entrance open porch feature with a mono-pitched roof with a ridge height of 3m falling to an eaves height of 2.5m.
- 3.5 Two rooflights are proposed within the existing eastern facing roofslope. All proposed rooflights would be located within a vaulted roof serving bed 2 and bed 1.
- 3.6 The proposed development would be finished in materials to match the existing dwelling.
- 3.7 The proposed development would result in a 5 bedroom dwelling (increase of 1).
- 3.8 Amended plans were provided during the course of this application to reduce the depth of the single storey rear extension by 0.7m from 5.5m to 4.8m. Also, further amendments reduced the extent of the front extension such that it does not project forward of the existing front gable and omitted the central front extension, replacing this with a central open porch feature. Further, details of the vaulted roof were provided.
- 3.9 This application has come forward and has been amended following pre-application advice provided.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

CGPC have the following concerns:

1. The front ground floor extensions do not meet the policies set out in the Neighbourhood Plan as the style is different to the existing house roof pitch.
2. No sections submitted.
3. Proximity to neighbours and potential loss of daylight

This is a Landmark Building (Old Lodge House) and covered by policy CA4 in the Neighbourhood Plan. With minor modifications this application could be sympathetic to the existing house.

If Planning Officer is minded to approve, then CGPC request that it be considered by TRDC planning committee.

Officer comment: The Parish Council have been notified of the amendments and the committee will be updated if further comments are received.

4.1.2 National Grid: [No comment received. Any comments received will be verbally updated at the Committee meeting].

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 8

4.2.2 No of responses received: 0

4.2.3 Site Notice: Not required.

4.2.4 Press notice: Not required.

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

6.1.1 In 2021 the updated 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”.

6.1.2 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, DM6, DM13 and Appendices 2 and 5.

The Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) is also relevant, specifically Policies CA2 and CA4 and Appendices B and C. The site is within Character Area 6.

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 and Street Scene

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials. As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or to the general street scene. Further, it should not result in loss of light to the windows of neighbouring properties nor allow overlooking. Appendix 2 also sets out that single storey rear extensions should be a maximum depth of 4m in the case of detached dwellings. Front extensions will be assessed on their individual merits but should not result in a loss of light to neighbouring windows nor be excessively prominent in the street scene. Two storey side extensions in order to prevent a terracing effect and maintain an appropriate spacing between properties shall be a minimum of 1.2m from the flank boundary. Two storey rear extensions, in terms of size and volume will be assessed on its individual merit according to the characteristics of the particularly property.

7.1.3 Policy CA2 of the Croxley Green Neighbourhood Plan (adopted December 2018) states that new development should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas. The Neighbourhood Plan comments in relation to character area 6 and Baldwins Lane that;

"Almost separated from the streets to the south by a band of open spaces and allotments, this large area and Area 7 to the north (both relatively level) are more homogeneous than the rest of the parish, with semi-detached two storey houses dominating, but there are almost complete streets of bungalows as well. Development of the area was commenced at the eastern end in the late 1920s and continued into the 1930s. There is some 1950s social housing at the western end, both terraced and semidetached houses, such as Owens Way. There are also some more recent redevelopments, for instance Cherwell Court, off Dulwich Way, contains a sheltered housing block for the elderly, very rare in the Parish."

7.1.4 Policy CA2 of The Croxley Green Neighbourhood Plan also requires that domestic extensions should seek to conserve and enhance the character of the area through the control of massing, alignment and height. Extensions that have an overbearing or adverse visual effect on the Character Area in which it is located will be resisted.

7.1.5 Policy CA4 of The Croxley Green Neighbourhood Plan refers to landmark buildings and structures and sets out that improvements will be encouraged as long as they maintain or enhance the positive contribution the buildings make to the surrounding character. Any proposed change to or replacement of these buildings and structures will only be permitted if the design respects the character and scale of the immediate environment. Any loss of these buildings and structures will be resisted unless the public benefits of any proposal outweigh the loss.

- 7.1.6 The application dwelling, previously known as 'Old Lodge House' is listed within Policy CA4 as an early Victorian dwelling, original to Durants. Therefore, it is considered to make a positive architectural contribution to the area. However, it is not statutory listed or locally listed.
- 7.1.7 Owing to the position of the two storey side/rear extension, it would be readily visible from the wider street of Baldwins Lane. Although visible, the two storey side extension would reflect the existing design of the dwelling and would follow the same ridge line and eaves height. It would also be set off the adjacent boundary line with no.128a by 1.9m. Thus, the proposed two storey side extension would not result in a terracing effect between the dwellings. It is acknowledged that the existing dwelling has a different architectural style and design compared with the semi-detached dwellings located within the immediate vicinity of the application site which does increase its prominence within the wider streetscene. However, the proposed materials and design features such as the gable parapet and brick detailing under the eaves would be retained such that the two storey side extension would not appear out of character with the existing dwelling. Given the proposed extension would mirror the existing design approach to the house, it is considered that the proposed two storey side extension would not be unduly prominent as to result in harm to the landmark building or wider street. Having regard to bulk and massing, the proposed two storey extension would not extend beyond the existing rear most gable projection and given its separation from the boundary and roof design and material detailing, would respect the character of the host dwelling. It is also considered that the extension would respect the character of the early Victorian dwelling as set out within Policy CA4 of the Croxley Green Neighbourhood Plan and would conserve the positive contribution the host dwelling would have within the wider street.
- 7.1.8 The proposed front extension, as amended, would be visible from the wider street. However, it is acknowledged that there are a number of front extensions of varied design and scale within the wider area. Therefore, the proposed front extension would not be out of character in this regard. The front extension would also be of limited extent and footprint and would not project forward of the existing front gable and would have a mono-pitched roof form which would reduce its bulk and prominence. The amended central open porch entrance would not be dissimilar in design and scale to the existing storm porch. It would be of limited width and depth and would respect the design of the existing dwelling ensuring the character of the landmark building is retained. It would also be finished in materials which would match the existing dwelling and as such would integrate with the existing dwelling by way of design and appearance. Whilst altering the appearance of the front elevation to some degree, it is considered that the proposed front extension would not be of detrimental harm nor would prominent or excessive as to detract from the architectural style of the host dwelling.
- 7.1.9 The proposed single storey rear extension, as amended, would hold a maximum depth of 4.8m beyond the rear elevation which would exceed the guidance within Appendix 2 of the Development Management Document. Although exceeding the guidance, the rear extension would be contained within the flanks of the dwelling and as such, would be set off the western boundary with neighbour no.128a by 2m and the eastern boundary with neighbour 126 by 1.6m. Furthermore, the application site is large and can accommodate an extension of this depth. Additionally, when read against the back drop and in-conjunction with the existing two storey dwelling, the proposed single storey rear extension would appear subordinate in nature and owing to its positioning and roof design would not appear disproportionate or unduly prominent in relation to the host dwelling, wider street or immediate vicinity of the application site. It is also noted that there are a number of single storey rear extensions which vary in style and design located within the immediate vicinity. Therefore, the proposed single storey rear extension would not be out of character in this regard.
- 7.1.10 The proposed window alterations within the ground floor rear elevation are large in size and would appear more modern in style compared with the existing dwelling. It is acknowledged

that the windows would be located at ground floor to the rear and therefore not visible from the wider street. Although the windows would differ in style to those existing, given that they would not be visible from public vantage points it is not considered that their introduction would result in demonstrable harm to the dwelling.

- 7.1.11 The proposed rooflights would be positioned in the roof plane and therefore would not be prominent. Further, rooflights are not an uncommon feature within the wider street of Baldwins Lane. Owing to their positing they would also be viewed at an oblique angle and not readily visible from the wider street. It is considered that the rooflights would not be unduly prominent or out of character and therefore would not arise in undue harm on the host dwelling or wider area.
- 7.1.12 In summary, it is considered that the proposed amended extensions would not result in any adverse impact to the character or appearance of the host dwelling (a landmark building as identified in the Neighbourhood Plan) or wider streetscene. The development would therefore accord with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1 and Appendix 2 of the Development Management Policies Document (adopted July 2013) and the Policies CA2 and CA4 of the Croxley Green Neighbourhood Plan (2018).

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. Two storey development at the rear of properties should not intrude a 45 degree splay line drawn across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property, although this principle is dependent on the spacing and relative positions of dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions to neighbouring properties.
- 7.2.3 The proposed development would increase the built form to the western side and rear of the dwelling. The two storey side extension would be contained within the existing footprint of the existing dwelling and would be set off the flank boundary with neighbour 128a by 2m and would not intrude the 45 degree splay line. This neighbour is also set off the boundary line. As such, the two storey side extension would not adversely impact this neighbour in terms of loss of light or intrusion. Owing to the position of the two storey extension, it would not adversely impact the neighbour to the east, no. 126.
- 7.2.4 The proposed single storey rear extension at a maximum depth of 4.8m would exceed the guidance set out within Appendix 2 which indicates that 4m is generally the maximum depth considered acceptable. Although exceeding the guidance, the rear extension would extend broadly in line with the deepest part of neighbour 128a to the west and would be set off the boundary line with this neighbour by 2m. It would extend approximately 1.3m beyond the rear of neighbour no.126 to the east. Although extending beyond this neighbour, the rear extension would be set in from the boundary line by 1.9m and this neighbour is also set off the boundary line. Given the spacing it is not considered that it would result in demonstrable harm through overshadowing or loss of light and no flank openings are proposed within the single storey rear extension.
- 7.2.5 The proposed front extension would be set off the boundaries with adjacent neighbours and would extend broadly in line with the front of these dwellings. The front extension would not therefore result in harm to either neighbour.

7.2.6 Although there would be fenestration within the rear elevation, the primary outlook of these would be over the private rear amenity space. As such, there would be no unacceptable levels of overlooking as a result of this fenestration to any neighbours. Rooflights within the flank roof slopes would have a limited outlook due to their positioning within the vaulted roof and in this regard would also be considered to be acceptable. Nevertheless, to ensure there would be no unacceptable overlooking, it is necessary to ensure the rooflights do not open below 1.7m above the internal floor level, secured by condition. Additionally, the proposed first floor western flank window serving the en-suite would be of a limited size. However, to ensure no-unacceptable overlooking, it is necessary to ensure the window is obscurely glazed and would not open above 1,7m of the internal floor level, secured by condition.

7.2.7 Subject to conditions, the proposed development is not considered to result in any adverse impact upon neighbouring properties and would be acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

7.3 Amenity Space Provision for future occupants

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 The proposal would result in a 5 bedroom dwelling. The site benefits from a private rear amenity space of approximately 420sqm. The indicative level for a 5 bedroom dwelling is 126sqm. Thus the amenity space provided would exceed policy requirements.

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.

7.4.2 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.

7.4.3 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 Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

7.5 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. No trees of public amenity value would be harmed or removed by virtue of the development.

7.6 Highways, Access and Parking

- 7.6.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 7.6.2 The indicative car parking level for 5 bedrooms is 3 assigned spaces. The submitted plans indicate that there would be 4 assigned parking spaces, as such sufficient parking would be provided.

8 RECOMMENDATION

That PLANNING PERMISSION BE GRANTED subject to the following conditions:

- C1 The development hereby permitted 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 plans: E100; E101; LP01.1; P101.5; P102.5; SP01.5; SP02.3.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policies CA2 and CA4 the Croxley Green Neighbourhood Plan (adopted December 2018).

- 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 dwelling.

Reason: To prevent the dwelling being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and Policies CA2 and CA4 the Croxley Green Neighbourhood Plan (adopted December 2018).

- C4 The first floor flank window(s) hereby permitted within the western flank elevation, facing no.128a shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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

- C5 The flank rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

8.2 **Informatives**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 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. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.