

PLANNING COMMITTEE – 20 APRIL 2023

PART I - DELEGATED

11. **23/0381/RSP - Part Retrospective: Loft conversion incorporating hip to gable extension; front and rear dormer windows; front rooflight and flank window at 133 FRANKLAND ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3AS**

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 28.04.2023

Ward: Dickinsons
Case Officer: Lilly Varnham

Recommendation: That Part Retrospective Planning Permission be Granted

Reason for consideration by the Committee: The applicant is related to an employee of Three Rivers District Council.

1 Relevant Planning History

- 1.1 No relevant planning history.

2 Description of Application Site

- 2.1 The application site contains a two-storey semi-detached dwelling on Frankland Road, Croxley Green. The application dwelling has a dark tiled hipped roof form, with a two storey front gable feature. The exterior finish of the application dwelling consists of a mix of light render and red brick. The dwelling has been previously extended to the rear at ground floor level.

- 2.2 To the front of the application dwelling is an area of hard landscaping with off street parking provision for one vehicle forward of the existing integral garage. There is a small area of soft landscaping within the front garden of the application site, and a street tree sited in front of the dwelling on the public footway which is not protected. To the rear of the dwelling is an amenity garden that is predominantly laid as lawn, with an existing area of raised patio extending from the rear elevation of the dwelling.

- 2.3 The adjoining neighbour at No. 131 Frankland Road sited east of the application dwelling has implemented a hip to gable roof extension, including rear dormer and front rooflights. The neighbour to the west of the application site is No. 135 Frankland Road, this neighbouring dwelling is situated on the corner plot with the junction with Frankland Road and Harvey Road and is angled away from the application dwelling. This neighbour appears to have implemented a two-storey side extension adjacent to the boundary with the application site.

- 2.4 There are a number of hip to gable extensions and front and rear dormers evident within the street scenes of Frankland Road, Frankland Close and Harvey Road.

3 Description of Proposed Development

- 3.1 The application seeks part retrospective planning permission for a loft conversion incorporating hip to gable extension; front and rear dormer windows; front rooflight and flank window.

- 3.2 The loft conversion would provide an additional bedroom and an en-suite bathroom at second floor level. The proposed loft conversion would include a rear dormer to be built to the rear elevation and a front dormer to be built to the front elevation of the existing dwelling, alongside a hip to gable extension, and the insertion of one rooflight to the front roofslope of the dwelling, and a new window within the flank elevation at second floor level within the gable.

- 3.3 The rear dormer in situ has a depth of approximately 3.9m and an overall width of approximately 4.8m, the dormer window has a flat roof form with an overall height of approximately 2.9m. The rear dormer is set in from the side edges of the roofslope, set down from the main ridge line of the dwelling by approximately 0.6m and up from the existing eaves by approximately 0.4m. A three-casement window is proposed within the rear dormer.
- 3.4 The proposed front dormer is sited within the front roofslope and would be set in from all edges of the existing roofslope and set back from the existing two storey front gabled projection. The proposed front dormer has a depth of approximately 3.3m, and a width of 1.7m. It has a pitched roof form with an overall height of 2.3m. A two-casement window is proposed within the front dormer window.
- 3.5 The dormer cheeks would be finished in vertical tile overhangs to match the original roof tiles and there would be one rooflight inserted into the front roofslope of the dwelling. The hip to gable extension would also be constructed in materials to match the host dwelling and a new obscure glazed window is proposed within the side elevation of the gable serving the second floor bathroom.
- 3.6 The proposal also includes the removal of the chimney stack to the side of the dwelling positioned closest to the front elevation of the dwelling and the raising of the existing chimney stack sited to the side of the dwelling positioned closest to the rear elevation by approximately 1.8m from existing, resulting in this chimney stack sitting approximately 0.6m above the roof of the rear dormer.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Croxley Green Parish Council: Croxley Green Parish Council note that the hip to gable loft extension is contrary to the Neighbourhood Plan policy CA2. CGPC object to the front dormer as it will have a detrimental impact on the street scene.
- 4.1.2 National Grid: [No Comments Received]

4.2 Public/Neighbour Consultation

- 4.2.1 Number consulted: 6 No of responses received: 0
- 4.2.2 Site/Press Notice: [Not Required]
- 4.2.3 Summary of Responses: [No responses received]

5 Reason for Delay

- 5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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

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

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

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

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

Croxley Green Neighbourhood Plan (Referendum Version December 2018), Policy CA2 and Appendix B and C are relevant.

Other

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

7 Planning Analysis

7.1 Design and Impact on Character and Appearance of the host dwelling and wider streetscene

7.1.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area.

7.1.2 Appendix 2 of the Development Management Policies LDD sets out 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.

Appendix 2 outlines that front dormers may not always be appropriate in the streetscene. Hip to gable extensions that unbalance a pair are generally resisted.

- 7.1.3 Policy CA2 of the Croxley Green Neighbourhood Plan states that domestic extensions requiring planning consent should seek to conserve and enhance the Character Areas through careful control of massing, alignment and height. Extensions that have an overbearing impact or visual effect on the Character Area in which it is located will be resisted. The application site is located in Character Area 4: Watford Road (West), Frankland Road, Harvey Road and Bateman Road, Appendix B of the Croxley Green Neighbourhood Plan identifies Frankland Road/Frankland Close all belonging to the same vintage of mid 1930s development, with the houses in this road are *'more repetitive with limited façade styles.'* Appendix B notes that *'there are several roof conversions using new full gables in place of hip roofs, giving a lop sided and overbearing effect.'* Appendix C of the Croxley Green Neighbourhood Plan outlines that *'roof extension should not involve the raising of the roof ridge, a change from hip roof to gable (other than "sussex hip" or "half hip") or the construction of front dormers which are out of scale with the host building'.*
- 7.1.4 The proposed development seeks to convert the existing loft space of the host dwelling to a fourth bedroom and en-suite bathroom, through the provision of a hip to gable roof extension and front and rear dormer windows, and the insertion of one rooflight to the front roofslope and a new obscure glazed window within the side elevation of the gable at second floor level. There is no proposed increase in ridge height, however, it is noted that the plans indicate that the existing chimney stack has been raised by approximately 1.8m from the existing height, resulting in the rear chimney stack sitting minimally above the existing ridge line of the dwelling, and approximately 0.6m above the height of the flat roof dormer as indicated on the submitted plans. Whilst it is noted that this would be visible within the streetscene, given its siting to the rear and that the overall ridge height of the dwelling is not increasing it is not considered that the increased height of the rear chimney stack would appear overly prominent. There are also examples along the streetscene where similar incremental increases in the heights of the chimney stacks appear to have occurred.
- 7.1.5 It is acknowledged that Appendices B and C of the Croxley Green Neighbourhood Plan note that using new full-face gables in place of hip roofs can give a lop sided and overbearing effect. Similar guidance is provided in Appendix 2 of the Development Management Policies LDD (adopted July 2013). However, in this case the adjoining neighbouring dwelling at No. 131 Frankland Road has implemented a loft conversion including a full hip to gable extension and rear dormer window, such that as existing there is an un-balance between the pair with one hipped and one gabled. The introduction of the gable to the application dwelling would therefore reintroduce symmetry with the adjoining property. It is also noted that a number of properties within the immediate vicinity have implemented hip to gable extensions such that they are a common feature of the street scenes of Frankland Road, Frankland Close and Harvey Road. As such it is not considered that the hip to gable extension would unbalance the pair or appear lop sided, appear prominent or result in demonstrable harm to the host dwelling, pair or wider street scene.
- 7.1.6 The proposed rear dormer would be set in from all edges of the roofslope, set down from the existing ridge line. Whilst it is noted that the rear dormer is a relatively large addition to the rear roofslope, it is acknowledged that there are a number of large dormers situated within Frankland Road and neighbouring roads such that this addition would not appear out of character and is not considered to result in an incongruous or overly prominent form of development in relation to the host dwelling such to justify refusal of planning permission.
- 7.1.7 The proposed front dormer would be readily visible from the streetscene on Frankland Road by virtue of its siting within the front roofslope of the dwelling, however, it would be set in from all edges of the roof slope and set back from the existing two storey front gabled projection such that it would be considered as subordinate. Whilst comments from the parish are noted in relation to the front dormer, there are a number of examples of front dormers within the wider streetscenes notably on properties within Frankland Road,

Frankland Close and Harvey Road, that appear to be of a similar scale and design to the proposed development. In light of this, and given that the front dormer would appear subordinate within the host roofslope, it is not considered that it would result in an incongruous or overly prominent form of development and would be acceptable with regards to its impact on the character of the host dwelling and streetscene.

- 7.1.8 The rooflight within the front roofslope of the dwelling is not considered to result in any demonstrable harm to the character of the host dwelling or wider streetscene given that there are a number of examples of front rooflights within the vicinity of the application site.
- 7.1.9 The proposed development also includes the removal of one chimney stack sited to the side of the application dwelling adjacent to No. 135 Frankland Road positioned closest to the front roofslope of the dwelling. Given that a flank chimney would be retained, the loss of one is not considered to result in demonstrable harm to the character or appearance of the host dwelling such to justify refusal of planning permission.
- 7.1.10 It is not considered that the proposed flank window would result in any demonstrable harm to the character of the host dwelling or wider streetscene.
- 7.1.11 In summary, there are a number of hip to gable extensions and front and rear dormer windows evident within the immediate vicinity of the application site and the proposed hip to gable would reintroduce symmetry with the adjoining neighbour. The development is not considered to result in demonstrable harm to the character or appearance of the host dwelling, pair or street scene and is therefore considered acceptable 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 Policy CA2 and Appendix B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 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 and disposition of privacy, prospect, amenity and garden space' and Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 The proposed loft conversion would not result in any increase to the height of the existing roof of the dwelling. Whilst considered to be relatively large the rear dormer window would be set in from the adjoining neighbour at 131 Frankland Road (an extended neighbour) by approximately 0.46m, and as such is not considered to result in harm through overshadowing or loss of light, this neighbour also appears to have implemented a similar hip to gable roof extension including rear dormer window. There would be one window inserted into the rear elevation of the dormer window, this is not considered to give rise to any unacceptable overlooking over and above that of the existing situation from the first-floor windows.
- 7.2.3 The neighbour to the west at No. 135 Frankland Road is sited on the corner plot at the junction with Harvey Road, this neighbour appears to have implemented a two storey side extension. The neighbouring dwelling is set some 5.4m off the boundary with the application site and its rear garden adjoins the flank boundary with the site. The rear dormer would be set in from the flank boundary of the dwelling, and owing to the separation that would be maintained to the boundary it is not considered that the proposed loft conversion including hip to gable extension which would not project beyond the existing flank wall, would result in any demonstrable harm to the residential amenity of the occupiers of No. 135 Frankland Road. The proposed window within the side elevation of the dwelling at second floor level

would serve the new shower room within the loft conversion, this window is proposed to be obscure glazed. Subject to such a condition there would be no overlooking facilitated.

- 7.2.4 The neighbour sited along the rear boundary of the site is No. 46 Harvey Road, this neighbour is separated from the application dwelling by approximately 20m and as such it is not considered that the proposed development would result in any harm to the residential amenity of the occupiers of this neighbouring dwelling through overshadowing or loss of light. The window within the rear elevation of the dormer is not considered to give rise to any unacceptable overlooking beyond that of the existing first floor windows.
- 7.2.5 The proposed front dormer would be sited within the existing front roofslope of the dwelling, set back from the existing two storey front gabled projection, and would be set in from all planes of the roofslope. A two-casement window is proposed within the front elevation of the dormer window, this would predominantly overlook the application site frontage and highway and as such is not considered to facilitate additional overlooking of any neighbour beyond that of the existing situation.
- 7.2.6 The insertion of the rooflight into the front roofslope would primarily overlook the application site frontage and adjacent highway and is not considered to give rise to unacceptable levels of overlooking to any neighbour given that the proposed rooflight would not project significantly beyond the plane of the existing roofslope.
- 7.2.7 As such it is not considered that the proposed loft conversion, including hip to gable roof extension, front and rear dormer window, and front rooflight would result in any adverse impacts on the residential amenity of the occupiers of any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Rear Garden 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 The application dwelling currently has three bedrooms at first floor level, the proposed development would increase the number of bedrooms within the dwelling by one, resulting in a four-bedroom dwelling across the first and second floor. Appendix 2 of the DMP LDD outlines that the indicate levels of rear amenity space for a four-bedroom dwelling is 105sqm, the application site would retain approximately 111sqm of rear amenity space which is considered to be sufficient for the dwelling in accordance with the above guidelines. The proposal is therefore considered acceptable in this regard.

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.

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

7.6 The application site is not located within a Conservation Area and no trees would be affected as a result of the proposed development. The proposal is considered acceptable in this regard.

7.7 Highways, Access and Parking

7.7.1 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.

7.7.2 The application dwelling currently has three bedrooms at first floor level and Appendix 5 requires a 3 bedroom property to have 2.25 car parking spaces (2 assigned). The proposed development would increase the number of bedrooms within the dwelling by one, resulting in a four-bedroom dwelling across the first and second floor. Appendix 5 of the DMP LDD outlines that a four or more-bedroom dwelling would require 3 assigned spaces within the dwelling's curtilage. The application site has an existing driveway with off street parking provision for 1 vehicle. There is an existing integral garage, although internal dimensions of this are noted such that it is likely it is unable to accommodate a modern vehicle, as such the existing shortfall would increase from 1 space to 2. However, whilst the shortfall of 2 spaces is noted it is also noted that the proposed development does not encroach onto the area currently utilised for off street parking, and it is noted that there is scope within the application site frontage to accommodate an additional space in the future should this be required. In addition to this, there are no on street parking restrictions along this part of Frankland Road. The application site is also within walking distance to a number of local shops and amenities and local transport links. The proposal is therefore considered acceptable in this regard.

8 Recommendation

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

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: 210505.

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, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

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 prevent the building being constructed in inappropriate materials 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) and Policy CA2 and Appendix B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018).

- C3 Before the first occupation of the building/extension hereby permitted the window in the side elevation of the hip to gable extension; 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 window(s) 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).

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. 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.

- I2 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.

- I3 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 development maintains/improves the economic, social and environmental conditions of the District.
- L4 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).