

PLANNING COMMITTEE – 17 AUGUST 2023

PART 1 - DELEGATED

7. **23/1003/FUL - Variation of Condition 2 pursuant to planning permission 22/0958/FUL (Part single part two storey side and rear extension including hip to gable roof extension, rear dormer, rooflights, alterations to fenestration and the construction of a detached outbuilding) to increase scale of rear dormer and reconfiguration of front rooflights at 129 Watford Road, Croxley Green, Rickmansworth, Hertfordshire, WD3 3DX**

Parish: Croxley Green Parish Council
Expiry of Statutory Period: 11 August 2023
Extension agreed to 25 August 2023

Ward: Dickinsons
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Granted subject to the conditions set out below.

Reason for consideration by the Committee: Call in by Croxley Parish Council if officer is minded to approve on the grounds that the increase in the scale of dormer is large and not in accordance with what TRDC previously amended.

To view all documents forming part of this application please go to the following website:

<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RWCD8DQFG3300>

1 Relevant Planning and Enforcement History

- 1.1 23/0865/NMA: Non materials amendment to planning permission 22/0958/FUL: Increase in depth of the rear dormer. Withdrawn on 19.06.2023 (following receipt of advice from officers that the change was not considered non-material).
- 1.2 22/1757/RSP: Part Retrospective: Part single, part two storey side and rear extension, lot conversion including hip to gable roof extension with rear dormer and front rooflights, alterations to fenestration and construction of a detached outbuilding. Refused, for the following reason:

The proposed development by virtue of the size and dominating scale of the proposed rear dormer would adversely affect the character and appearance of the host dwelling. The proximity of the first floor side element to the boundary would appear incongruous, cramped, and excessively prominent within the streetscene, with the cramped appearance exacerbated by the gable roof form, to the detriment of the visual amenity of the area. The development would therefore harm the character and appearance of the host dwelling and the street scene and would fail to accord with the Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendices B and C of The Croxley Green Neighbourhood Plan August 2018) and the NPPF (2021).

This application was appealed, and the appeal was dismissed (APP/P1940/D/22/3313578).

- 1.3 22/0958/FUL: Part single part two storey side and rear extension including hip to gable roof extension, rear dormer, rooflights, alterations to fenestration and the construction of a detached outbuilding. Permitted. 02.08.2022. Commenced and currently under construction.

- 1.4 21/2422/FUL: Construction of part single, part two storey side and rear extension, loft conversion including hip to gable roof alterations, rear dormer and front rooflights, alterations to fenestration and construction of detached outbuilding to rear. Withdrawn. 22.12.2021.

2 Description of Application Site

- 2.1 The application site occupies a plot on the northern side of Watford Road, Croxley Green, close to the junction with New Road. The application dwelling is a two storey semi-detached property finished in mixed red brick and render, with a dark tiled hipped roof form.
- 2.2 The pre-existing single storey integral garage to the eastern flank has been demolished and is in the progress of being replaced with a part single, part two storey side and rear pertaining to 22/0958/FUL.
- 2.3 To the front of the application site is a driveway which can currently accommodate 2 cars, although it is currently enclosed with hoarding. To the rear, there is a garden area and at the very rear the detached outbuilding is currently under construction (permitted via 22/0958/FUL).
- 2.4 The adjoining semi-detached property to the west at No. 127 Watford Road mirrors the original style and design of the host dwelling and has a hipped roof form. It is located on a similar front building line and land level in relation to the host dwelling. It has a single storey flat roofed rear extension. The common boundary is marked by close boarded fencing and hedging.
- 2.5 The neighbouring property at no. 131 is a dental surgery which was constructed following the demolition of a residential dwelling and the erection of a two-storey building. It is set on a similar land level and set forward in relation to the host dwelling and projects deeper in its plot in relation to the host dwelling. The common boundary is marked by close boarded fencing.
- 2.6 To the rear is a garage court and private road with properties fronting New Road beyond.

3 Description of Proposed Development

- 3.1 This application seeks planning permission to vary condition 2 (Plan Numbers) of planning permission 22/0958/FUL to allow for an increase in the size of the rear dormer and a reconfiguration of the front rooflights. Details of the proposed changes are provided from paragraph 3.3 below.
- 3.2 Application 22/0958/FUL was granted planning permission for a 'part single part two storey side and rear extension including hip to gable roof extension, rear dormer, rooflights, alterations to fenestration and the construction of a detached outbuilding'. The development description for the application was described as the following:

"The existing garage would be demolished. The proposed part single, part two storey side and rear element would have a width of 2.3m at ground floor level, set in from the common boundary with No. 131 by 0.4m (where it projects beyond the existing side wall) and a width of 1.5m at first floor level, set in from the common boundary with No. 131 by 1.2m to the front and 1m to the rear due to the splayed nature of the boundary. The proposed side extension would be built in line with the front wall of the house. At ground floor level, it would have a total depth of 13.6m, projecting beyond the original rear elevation by 6m. The single storey rear element would span the width of the plot at a width of 8.5m, built up to both neighbouring boundaries and would have a flat roof and part gabled (adjacent to No.127) at a height of 2.9m to the flat section and 3.3m to the top of the gable roof measured from the rear elevation. A parapet wall would be built adjacent to the boundary with No.131 with a maximum height of 3m. At first floor level, the proposed side and rear extension would have a total depth of 11.3m, extending a maximum of 3.6m from the existing rear elevation.

The first-floor rear element would have a width of 4.6m set in from the common boundary with No.131 by 0.9m (measured from the rear facing wall) and set in from the common boundary with No. 127 by 2.7m with a splayed elevation towards the rear. The first-floor rear element would have a gable roof form with a central valley with vertically hung tiles. This extension would have a maximum height of 6m and eaves height of 5.2m, set down from the main ridge by 2.3m.

The proposal would include a loft conversion with a hip to gable roof enlargement which would increase the width of the ridge of the host dwelling by 5m. The loft conversion would include a flat roofed rear dormer. The proposed dormer would have an amended width of 5.8m, depth of 2.7m and height of 2m. It would be set down 0.3m from the extended ridge and set in from both the eastern and western flanks. The proposed rear dormer would be finished in materials to match the existing roof. Five rooflights would be inserted into the front roofslope.

Glazing is proposed at ground floor level within the eastern flank to serve the utility and w/c and at first floor to serve the master ensuite. Glazing is also proposed within the rear elevation at ground, first floor and within the rear dormer, including bi-folding doors to the rear elevation.

The proposed extension would be finished in white render with the new windows in grey.

The proposal would also include the construction of a detached outbuilding towards the rear of the application site. It would have a width of 7.6m to span the width of the plot and have depth of 3.7m. It would have a gabled roof form with a maximum height of 5m and eaves height of 2.6m. It would also have a canopy to the front. Bi-folding doors would be inserted into the northern flank and a door into the northern flank. It would be sited approximately 13m from the main dwelling and a minimum of 0.7m from the rear splayed boundary of the site. It would be used as a home gym.

Amended plans were sought during the course of the application to:

- Reduce the dimensions of the proposed rear dormer;
- To omit the obscurely glazed window in the angled part of the first-floor rear extension facing No. 127:
- Reduce the width of the proposed part single, part two storey side and rear extension to maintain 1.2m spacing to the eastern boundary at first floor to the front reducing to 1m to the rear;
- Confirm the external materials and window materials.”

3.3 This current application now seeks amendments to the previously approved scheme. The amendment to the front elevation is to reduce the number of front rooflights from five to four and the reconfiguration of them on the front roofslope. The proposed amendment to the rear would result in the previously approved rear dormer window being increased in width from 5.8m to 6.7m, set in from the western flank by 0.3m and set in from the eastern flank by 0.7m. The proposed depth of the dormer would be increased from 2.7m to 3.4m and the proposed height would also be increased from 2m to 2.5m.

3.4 Amended plans were sought during the course of the application to reduce the width of the proposed dormer to set it in from the side of the edge of the roof by 0.7m in width and to remove the word indicative from the proposed plans.

3.5 It is noted that this current application follows a refused scheme and subsequent dismissed appeal. The differences between the current application and the dismissed scheme are listed below:

- The increase in the width of the first floor side extension as sought in the dismissed scheme is no longer proposed.
- The proposed rear dormer has a depth of 3.5m, height of 2.5m and width of 6.7m, and is therefore larger than the rear dormer which formed part of the dismissed scheme (which had a depth of 3.5m, height of 2.8m and width of 8.1m).
- Four rooflights are proposed instead of seven and reconfigured on the extended main ridge.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council: [Objection]

CGPC objects to the significant proposed increase in size of the rear dormer, and notes that TRDC previously required the rear dormer to be reduced in size before it would allow approval. If the officer is minded to approve, CGPC request that the application is called to the TRDC Planning Committee.

4.1.2 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7

4.2.2 Site Notice Posted: 29/06/2023, Expired: 20/07/2023.

4.2.3 No Press Notice required.

4.2.4 Responses received: [1 objection]

4.2.5 Summary of Responses:

- Devalue my home
- Any further enlargement would turn a semi into a terrace
- Concerns about the number of people using/living in the detached outbuildings
- Concerns regarding renting as an HMO.

Officer comments: It is noted that the value of property is not a material planning consideration. No change of use is proposed as part of this application. If the use was to materially change in the future without planning permission (if required), then this would be an enforcement matter.

A re-consultation took place following receipt of amended plans for 14 days from 02/08/2023 to 16/08/2023. Any further comments received will be verbally reported at the committee meeting.

5 Reason for Delay

5.1 Committee Cycle.

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 Principal of Development

- 7.1.1 Planning permission has previously been granted under application 22/0958/FUL for a part single part two storey side and rear extension including hip to gable roof extension, rear dormer, rooflights, alterations to fenestration and the construction of a detached outbuilding.

- 7.1.2 The principal of the above works has therefore been approved and this application will focus on the changes proposed as outlined at paragraph 3.3 above. There has been no change to relevant planning policy or site circumstances which would affect the acceptability of the development in relation to those matters previously approved. The impact of the proposed alterations as set out in the 'Proposed Development' section are considered in the relevant analysis sections below. This variation of condition application would not result in any change to impact on amenity space, highway, access and parking impact, biodiversity or trees and landscape compared to the previously approved application 22/0958/FUL.
- 7.2 Design and Impact on Character and Appearance of the host dwelling and wider streetscene
- 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. 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'.
- 7.2.2 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.
- 7.2.3 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 the careful 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. In relation to dormers, Appendix C of the Croxley Green Neighbourhood Plan states that the construction of front dormers which are out of scale with the host building will not be supported and that "Box" dormers should be avoided on front and side elevations and any roof lights should be appropriately scaled. Appendix 2 of the Development Management Policies LDD states the following with regard to dormer windows; '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'. Whilst it is acknowledged that the proposed rear dormer would be large, given that amended plans show that it would be set in from the flanks, (0.7m from the eastern flank and 0.3m from the western flank) and set up from the plane of the rear wall and set down from the ridge, it is considered to appear suitably subordinate to the main dwelling given its scale and siting with its scale mitigated through its tiled exterior appearance and the addition of the first floor rear extension beneath.. In addition, it is noted that there are examples of other rear dormers in the vicinity. Given the above, it is not considered that the increased scale of the proposed rear dormer would result in significant demonstrable harm over and above the previously approved scheme.
- 7.2.4 The proposed front rooflights would be readily visible from the streetscene of Watford Road. With regards to the proposed front rooflights, there are others within the vicinity and whilst the proposed are larger than the previously approved, overall they are not considered to be uncharacteristic or harmful. Whilst acknowledging that there will be 4 in total, they would not over-clutter the front roofslope. Given their scale and siting and set down from the main ridge the front rooflights would not result in demonstrable harm to the character of the host dwelling or result in any adverse impact to the wider streetscene of Watford Road.
- 7.2.5 In summary, the proposed increase to the scale of the rear dormer and the reconfiguration of the front rooflights would not result in any demonstrable harm to the host dwelling or wider streetscene. The development would comply with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the DMP LDD and Policies CA2, CA3 and

Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted Dec 2018).

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy (2011) advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD (2013) comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.3.2 The proposed rear dormer, as amended, whilst large in scale, would be set in from the 0.3m from the western flank and set in 0.7m from the eastern flank, it would be set up from the plane by 0.3m and set down from the main ridge by 0.3m. As such, it would not result in any overbearing impact to any neighbouring properties in terms of loss of light or overbearing impact. The rear dormer would still contain two windows, serving a home-office area and a bedroom which is the same use as proposed in the original planning permission. The rear dormer would overlook the rear amenity space of the application site and as such would not give rise to any unacceptable overlooking to any neighbouring properties.
- 7.3.3 The proposed reconfiguration of the front rooflights given their scale and siting would not result in a loss of light to the windows of any surrounding properties. They would overlook the front amenity space of the host dwelling and as such would not result in any harm to any neighbouring properties.
- 7.3.4 As such, it is not considered that the proposed development would result in any significant adverse impact on neighbouring dwellings and the development would be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Summary

- 7.4.1 The changes to the original planning permission are considered acceptable. All relevant previous conditions have been re-imposed.

8 **Recommendation**

- 8.1 Subject to no new material planning considerations being raised, that PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 002, 017, 024 REV E.

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) and Policies DM1, DM6 and DM13, Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and the Croxley Green Neighbourhood Plan (Referendum Version August 2020).

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 extensions 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).

C3 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/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the first floor flank elevations or flank roof slopes of the extensions 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).

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 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

{b (a)} Making a Non-Material Amendment

{b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification.

Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 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.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.