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## THREE RIVERS DISTRICT COUNCIL

**At a meeting of the Planning Committee held in the Penn Chamber, Three Rivers House, Rickmansworth, on Thursday, 17 August 2023 from 7.30 - 8.31 pm**

**Present:** Councillors

Sara Bedford (Chair)  
Steve Drury (Vice Chair)  
Ruth Clark  
Matthew Bedford  
Philip Hearn  
David Raw  
Chris Lloyd  
Khalid Hussain  
Andrea Fraser (In place of Ian Morris)  
Rue Grewal (In place of Debbie Morris)  
Stephen Cox (In place of Stephen King)

**Also in Attendance:**

Three Rivers District Councillor Debbie Morris  
Batchworth Community Councillor Diana Barber  
Croxley Green Parish Councillor Andrew Gallagher

**Officers in Attendance:**

Matthew Roberts  
Adam Ralton  
Anita Hibbs  
Sarah Haythorpe

### **PC24/23      APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Ian Morris, Councillor Debbie Morris and Councillor Stephen King. Substitutes being Councillor Andrea Fraser, Councillor Rue Grewal and Councillor Stephen Cox.

### **PC25/23      MINUTES**

The minutes of the Planning Committee meeting held on 22 June were confirmed as a correct record and signed by the Chair of the meeting.

The minutes of the Planning Committee meeting held on 13 July were confirmed as a correct record and signed by the Chair of the meeting.

### **PC26/23      DECLARATIONS OF INTEREST**

There were no declarations of interest.

The Chair read out the following statement to the Committee:

All fellow Councillors should come to the Committee meeting with an open mind and be able to demonstrate that they have not pre-determined our decision in any way. We must only reach a decision after consideration of all the information provided by the officers, applicants, members of the public and other Councillors and the

planning policies of the Council, and should not do anything which may lead others to believe that we have already made up our minds as to whether to approve or refuse an application.

**PC27/23 NOTICE OF OTHER BUSINESS**

There were no items of other business.

**PC28/23 23/0747/RSP - RETROSPECTIVE: PART SINGLE, PART TWO STOREY REAR EXTENSION, FIRST FLOOR SIDE EXTENSION, LOFT CONVERSION INCLUDING INCREASE IN RIDGE HEIGHT, REAR DORMER WINDOWS TO THE REAR, ERECTION OF PORCH, ALTERATIONS TO FENESTRATION, RENDER TO EXTERIOR AND ALTERATIONS TO DRIVEWAY AT SANDLEWOOD, 7A WOLSEY ROAD, MOOR PARK, HERTS, HA6 2HN**

Members will be aware that an application was refused by the Committee for the raised patio and proposed privacy screens a few months ago. An enforcement notice has subsequently been served and the Council is in receipt of a planning appeal and enforcement appeal, with the owner appealing ground (a) only, that planning permission should be granted for what has been built.

This application follows a previously approved planning permission permitted in 2021. This application proposes the same form of development except for a number of fenestration changes which the officer ran through. The application site does not include the raised patio area, this is subject to the on-going appeals.

With regards to the report, there is an error at paragraph 4.1.1 as Batchworth Parish Council are referred to as having no objection to the scheme. This is incorrect, they object to the application, specifically in respect of the amended first floor rear windows and state that they should be reverted to the approved form, which includes the removal of the proposed Juliet balcony serving bedroom 2.

With regard to the most recent approved scheme, under reference 21/2425/FUL (the extant scheme), the differences between that approved scheme and the current application are in relation to fenestration changes only and are as follows:

- The first floor window in the front elevation of the house, above the garage has been slightly realigned.
- The previously approved door on the ground floor rear has been altered to a clear glazed, fixed-shut window.
- Ground floor rear glazing altered with the additional of two further full-length glazed windows forming bi-fold doors
- First floor rear glazing amended over garage to include a full length window, the addition of a Juliet balcony to an existing approved window with alterations to its design.

In accordance with Council Procedure Rule 35(B) a member of the public spoke on behalf of the neighbours of the applicant, against the application, emphasising the primary issues on injury to privacy and the potential use of the flat roof as a balcony in future.

In accordance with Council Procedure Rule 35(A) a District Councillor spoke against the application emphasising concerns over the possibility for the garage utility, currently a non-habitable space, to be converted into a habitable space such as a den, by the applicant in future, which would not require a planning permission.

In accordance with Council Procedure Rule 35(A) a Parish Councillor spoke on behalf of Batchworth Community Council against the application reiterating that they have

objected to numerous issues which have been submitted by the applicant since 2021, and will continue to object to the remaining unresolved points.

The Planning Officer outlined the key issues:

- Installation of the balustrade and the potential to use the flat roof at first floor level.
  - With regards to the flat roof; there is a condition attached to the report that does restrict the use. If it is found that the flat roof is being used for amenity purposes, the Council has the ability to issue a breach of condition notice, no right of appeal. If Members are concerned regarding the removal of the Juliet balustrade, a condition can be added for a requirement for it to remain in situ.
- Ground floor flank wall should be obscurely glazed.
  - There is currently hedging in this area, and based on the officers observations from a site visit, no overlooking is considered to result.
- Concern about the paved area immediately to the rear of the ground floor:
  - This is subject to the ongoing appeals regarding the raised patio; the enforcement notice is twofold; it requires either the complete removal of the raised patio, or it requires the owner to revert back to a previous planning permission that includes steps down at that point to a lower raised patio, which would be a possibility for the owner to build, subject to how the appeals progresses. On that basis the Council would not be able to wait for the outcome of appeals.

Members of the Committee raised the following questions and points:

The window that is serving the garage could be obscurely glazed, but it should also be top open only. The Officer clarified that the window could be conditioned to be either fixed and obscurely glazed, or clear glazed with top open only. Both option would protect the privacy of the neighbours if required by members.

Q. What would happen if something happened to the existing hedge, e. g. died or cut down, to protect privacy?

A. The hedgerow would not be protected by the TPO legislation. It would be open to the owner of that part of the boundary to erect a fence, but it would be restricted to a 2 meter enclosure without planning permission.

Q. Which boundary is owned by the owner of the property?

A. As this is not a planning matter, officers are not able to provide this information.

Q. Is it the Juliet balcony going to be flush with the wall or will it be possible to step out onto the balcony?

A. Juliet balconies are usually right up against the wall; it will not be possible to step out onto the balcony.

Q. Would it be possible to put a condition on the flat roof to turn it into a pitched roof?

A. It would be difficult due to where the fenestration currently is; officers would not be able to request this under the current application.

It was pointed out that the height of the Juliet balcony railing is 0.9 meters, but building regulations state that it has to be 1.1 meters. The Planning Officer confirmed that the railing does have to be 1.1 meters high to pass building regulations, and if the condition is added for the Juliet balcony, the requirement should be 1.1 meters high.

Councillor Steve Drury moved the recommendation as set out in the officer report, seconded by Councillor Matthew Bedford and with the following two conditions to be added:

1. The obscure glazing on the window on the flank wall should go ahead,
2. The Juliet balcony with a raised height of the railing to be added to bedroom 2;

The Chair clarified to the Committee the motion with the amendment that the obscurely glazed window and the Juliet balcony shall be permanently retained in that condition thereafter.

The Chair and the Planning Officer summarised that the reason these conditions become required is to safeguard privacy of the neighbours.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 8 For, 3 Against and 0 Abstention.

RESOLVED:

That the PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development was carried out, and is subject to the conditions and informatives set out in the officer report, with the following two additional conditions:

*Within 4 months from the date of the decision, the existing ground floor window within the south eastern flank elevation serving the garage as shown on drawing number 1360/P/2B, shall be replaced and installed with purpose made obscure glazing and shall either be fixed shut or top level opening only at 1.7m above the floor level of the room in which the window is installed. The window once replaced shall be permanently retained in that condition thereafter.*

*Reason: To safeguard the amenities of the occupiers of the neighbouring residential property at No.9 Wolsey Road 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).*

Within 4 months from the date of the decision, the Juliet balconies to the rear elevation at first floor level serving the bedrooms labelled as 1, 2 and 4 as shown on drawing number 1360/P/2B shall be installed to a minimum height of 1.1 metres. Once installed the Juliet balconies shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers of the 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).

**PC29/23**

**23/0942/ADV - ADVERTISEMENT CONSENT: INSTALLATION OF NON-ILLUMINATED FASCIA SIGN TO BUILDING AT CHANGING ROOMS, OXHEY PAVILION EXTENSION, GREEN LANE, OXHEY HALL**

The Planning Officer advised that there was no update on this application.

Members raised the following points:

The sign is very large; 8.6 meters long, and although it is not going to be illuminated, with very bright colours, it is going to be obtrusive. However, it should be noted that local children participated in the design of the sign, and it would mark out the building in a nice contrast.

The officer clarified that the Committee is to consider for approval this particular sign in this particular location.

Members also raised a point that the officer report did not specify that at no point in the future will this sign be lit. The Planning Officer clarified that a separate permission will be needed for the sign to be illuminated.

Councillor Stephen Cox moved, seconded by Councillor Chris Lloyd that ADVERTISEMENT CONSENT BE GRANTED subject to the standard advertisement conditions as outlined in the officer report.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being by general assent.

RESOLVED:

That ADVERTISEMENT CONSENT BE GRANTED subject to the conditions set out in the officer report.

PC30/23

**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**

The Planning Officer advised that there was an update to Paragraph 3.5, second bullet point of the report:

- 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).

This is incorrect; it is smaller than the rear dormer which formed part of the dismissed scheme.

In accordance with Council Procedure Rule 35(B) a member of the public spoke in support of the application, reiterating that the Planning Officer had confirmed; the proposed rear dormer, as amended, would not result in any overbearing impact to any neighbouring properties in terms of loss of light or overbearing impact, and it would not pose any demonstratable harm to the host dwelling or wider street scene. The member of the public emphasised the importance of being able to work from home, and that this application seeks to accommodate a home office space for this reason.

In accordance with Council Procedure Rule 35(A) a Parish Councillor spoke on behalf of Croxley Green Parish Council against the application, summarising the application history of the developer and stating that the Parish Council objects to the significant increase in size of the rear dormer. The Parish Councillor emphasised that the planning inspector had commented that the proposed development by virtue of the size and dominating scale of the proposed rear dormer will adversely affect the character and appearance of the host dwelling as well as the street scene, and would fail to accord with the policies. The Planning Officers' report expresses a contrary view in section 7.2 before coming to the recommendation that planning permission should be granted. Croxley Green Parish Council believe that the current report has come to

the wrong conclusion as there have been no material changes in planning policy or law since the original refusal.

The Officer also clarified that the current scheme is different, and the report sets out why it is different and why the Officers' conclusion is therefore different to that of the inspector's, and to confirm that there has not been any enforcement action on this site.

Members raised the following points:

The new scheme is significantly different than what had been dismissed by the planning inspector and more in line with the requirements.

Councillor Philip Hearn moved, seconded by Councillor Matthew Bedford that subject to no new material planning considerations being raised, that PLANNING PERMISSION BE GRANTED subject to the conditions outlined in the officer report.

On being put to the Committee the motion was declared CARRIED by the Chair, the voting being 10 For, 1 Against and 0 Abstention.

RESOLVED:

That, subject to no new material planning considerations being raised, that PLANNING PERMISSION BE GRANTED subject to the conditions outlined in the officer report.

#### **PC31/23 EXCLUSION OF PRESS AND PUBLIC**

**The Chair moved, duly seconded, the following motion:**

**“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraphs 1 and 7 of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”**

On being put to the Committee the motion was declared CARRIED by the Chair the voting being by general assent.

RESOLVED:

To move into Part ii business.

#### **PC32/23 21/0228/COMP - PROPOSED USE OF POWERS TO TAKE DIRECT ACTION UNDER SECTION 219 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

The Committee received a report seeking agreement to exercise powers under Section 219 Town and Country Planning Act 1990 to be able to carry out the works as required by the Council's Section 215 Notice dated 1 September 2022 with regard to property in Watford Rural Parish. Members were advised of the situation at the property and reason behind the request to take action.

Officers were seeking authority to be given to the Head of Regulatory Services to exercise powers under Section 219 of the Town and Country Planning Act to enter the land and carry out works as required by the Section 215 Notice and recover the expenses reasonably incurred, in respect of a property in Watford Rural Parish.

By way of a brief background, following reports to the Council from local residents regarding the poor condition of the property, the Council attempted to liaise with the owner to avoid the service of a section 215 notice, otherwise known as an untidy land notice. Unfortunately, despite best efforts, the owner has not wished to engage with the Council which led to the service of a section 215 notice in September 2022 which was not complied with. For reasons set out within the report it is considered that direct action is the best route to pursue.

Members asked what support had been provided to the occupier. It was advised that assistance had been offered by officers, local charities and other community organisations. The occupier had not engaged with anyone throughout the various forms of communication and when the notice was served at the property. Officers had liaised with the Police, Community Safety Team and Safeguarding Officers to try and establish contact throughout the process to try and make contact with the occupier.

It was for the committee to decide if action was to be taken.

Councillor Stephen Cox moved, seconded by Councillor Rue Grewal, the recommendation to exercise powers under Section 219 Town and Country Planning Act 1990 to be able to carry out the works as required by the Council's Section 215 Notice dated 1 September 2022 with regard to property in Watford Rural Parish.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being by general assent.

**RESOLVED:**

That authority be given to the Head of Regulatory Services to exercise powers under Section 219 Town and Country Planning Act 1990 in respect of land and property in the Watford Rural Parish to enter the land and carry out the works referred to in paragraph 4.1 as required by the Council's Section 215 Notice dated 1 September 2022 (served 7 September 2022) and to recover the expenses reasonably incurred in so doing from the landowner.

That public access to the report and appendices is denied until after the Planning Committee meeting (subject to redaction of personal data).

That public access to the decision be immediate after the Planning Committee meeting (subject to redaction of personal data).

**CHAIR**

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