

PLANNING COMMITTEE – Thursday 19 October

23/1425/FUL – Conversion of garage into habitable accommodation and alterations to fenestration at BARFORD, HOMEFIELD ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5QJ.

Parish: Chorleywood Parish Council.

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 17.10.2023
Extension of Time: 24.10.2023

Case Officer: Freya Clewley

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by three members of the Planning Committee to discuss the consistency of the application with condition 10 for the original application for the dwelling (reference 16/2753/FUL) which relates to the retention of garages for parking private vehicles.

To view all documents forming part of this application please go to the following website:
[23/1425/FUL | Conversion of garage into habitable accommodation and alterations to fenestration | Barford Homefield Road Chorleywood Rickmansworth Hertfordshire WD3 5QJ \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/23/1425/FUL)

1 Relevant Planning History

- 1.1 06/0074/FUL - Demolition of existing dwelling and erection of pair semi detached dwellings and one detached dwelling – Refused 16.03.2006.
- 1.2 16/2255/FUL - Demolition of existing bungalow and construction of two pairs of semi-detached dwellings including accommodation in roofspace, lower ground level and ancillary works including alterations to land levels and associated parking and landscaping – Withdrawn 14.12.2016.
- 1.3 16/2753/FUL - Demolition of existing bungalow and construction of two pairs of semi-detached dwellings including accommodation in roofspace and ancillary works including alterations to land levels and associated parking and landscaping – Permitted 24.03.2017.
- 1.4 17/0945/DIS - Discharge of condition 3 (Energy Statement), 4 (Slab Levels), 5 (Hard and Soft Landscaping), 6 (Tree Protection) and 7 (Materials) pursuant to planning permission 16/2753/FUL – Determined 04.04.2017.
- 1.5 22/1428/FUL - Variation of Condition 2 (Plan numbers) and 6 (Hard and Soft Landscaping) pursuant to planning permission 16/2753/FUL to allow for alterations to the parking arrangements and landscaping to the frontage – Permitted 10.11.2022. Implemented.

2 Description of Application Site

- 2.1 The application site is rectangular in shape and contains a semi-detached, two storey dwelling located on the south eastern side of Homefield Road, Chorleywood. Homefield Road is a residential road characterised by dwellings of varying architectural styles and designs, some of which have been extended or altered.
- 2.2 The host dwelling is one of four semi-detached dwellings which have been constructed in recent years in place of a pre-existing bungalow, Harradwaith. The host dwelling is a two-storey dwelling with a two storey front projection and a pitched roof canopy over the existing porch and integral garage. There is hardstanding to the frontage with space for two vehicles.

2.3 The neighbour to the north, Burchester, adjoins the northern flank of the host dwelling. This neighbour is located on the same building line and land level as the host dwelling. The neighbour to the south, Anvil Cottage, is set in from the shared boundary with the application site. This neighbour is located on the same land level and building line as the host dwelling.

2.4 The application site is located within the Chorleywood Common Conservation Area.

3 Description of Proposed Development

3.1 This application seeks planning permission for the conversion of the existing integral garage and alterations to fenestration.

3.2 The existing garage would be converted to a study and separate utility area. The existing garage door would be replaced with a four-casement window. An additional window is proposed within the southern flank of the dwelling, serving the utility room.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objection]

The Committee had Concerns with this application on the following grounds:-

' This proposed development breaches the condition of the original development.

' Insufficient parking when compared to the requirements of Appendix 5 of the Development Management Plans, particularly in the context of its position on a narrow road with so options for street parking.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

4.1.2 National Grid: No response received.

4.1.3 Conservation Officer: [Verbally Consulted and raised No Objection]

The dwelling is a modern addition to the Conservation Area and the proposed alterations to the front elevation are small in scale. As such, it is not considered that the proposed garage conversion would result in harm to the character or appearance of the Conservation Area.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 4

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

4.2.3 Site Notice: Expired: 18.09.2023. Press Notice: Expired: 22.09.2023.

4.2.4 Summary of Responses:

- The development of four dwellings on the former site of Harradwaith (a bungalow) was granted under 16/2753/FUL after reductions to the size and precluding extensions at the rear and the conversion of the garages at the front to prevent overdevelopment of the site, together with planting of semi-mature trees between the front units and Homefield Road.
- Subsequent to non-compliant construction, 22/1428/FUL permitted an increase in parking spaces from 6 to 8 removing the stipulation for the semi-mature trees.

- The result of the removal of the trees is akin to a street where all front gardens have been paved over which is an eyesore in the Chorleywood Conservation Area.
- The application to convert the garage to a study builds on this travesty by claiming that the dwelling no longer needs its garage as it now has two parking spaces instead of one which was originally planned and approved for this dwelling.
- The prohibition applied to all four houses including the two which already had the two parking spaces apart from their garage.
- This change may set a precedent for other dwellings in the development.
- Shows up considerable fluidity in TRDC's planning and control procedures which are changing even whilst developers are still seeking to sell the fourth house.
- Approval would demonstrate that little effort is expended in seeking to maintain the characteristics of the Chorleywood Conservation Area and the sylvanian qualities of Homefield Road.
- Approval would send out a message of flux and inconsistency, and a lack of resolution and resilience in planning applications within the wider Three Rivers area.

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

In 2023 the revised National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

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

6.2 The Three Rivers Local Development Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM10 and Appendices 2 and 5.

The Chorleywood Neighbourhood Plan Referendum Version was adopted in August 2020. Relevant policies include Policies 1 and 2.

6.3 Other

The Chorleywood Common Conservation Area Appraisal (adopted February 2010).

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

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

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

7 **Planning Analysis**

7.1 Overview

7.1.1 Planning permission 16/2753/FUL was granted for the demolition of existing bungalow and construction of two pairs of semi-detached dwellings including accommodation in roofspace and ancillary works including alterations to land levels and associated parking and landscaping. Two of the dwellings, including the application dwelling Barford were originally permitted with two parking spaces, one to their frontage and one within a garage. The other two dwellings included a garage space each in addition to two frontage spaces each.

7.1.2 Condition 10 of the consent stated:

The parking hereby permitted, including the garages, shall be kept available for the parking of motor vehicles at all times. The parking shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: In the interests of visual amenities of the area and to ensure that on-site car parking provision is maintained to avoid the standing of vehicles on the adjoining highway to the detriment of safety and the free flow of traffic thereon and in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

7.1.3 In 2022, planning permission 22/1428/FUL was granted which sought alterations to the parking arrangements and landscaping to the frontage of the site. This application increased the number of parking spaces serving the application dwelling (Barford) and the neighbour to the south, Anvil Cottage, from one to two spaces, reducing the landscaping to the frontage. The two other new dwellings forming part of the development, Burchester and Hanson House, were originally approved with two parking spaces to the frontage in addition to their garages, and this arrangement remained unchanged as part of the 2022 permission.

7.1.4 It is noted that the condition relating to the retention of garages outlined above was not attached to the 2022 planning permission, given that the 2022 planning permission resulted

in sufficient parking to the application site frontage and did not rely on the integral garages to contribute to this.

7.2 Highways, Access and Parking

7.2.1 Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the same document. The number of bedrooms within the host dwelling would not increase as a result of the proposed development, and the dwelling would remain a three-bedroom dwelling. Appendix 5 of the Development Management Policies document outlines that a three-bedroom dwelling should provide 2.25 parking spaces, 2 of which should be assigned.

7.2.2 As set out at section 7.1 above, the dwelling as approved included 2 parking spaces (one within a garage and one on the driveway). Whilst there was a small shortfall of 0.25 spaces against standards, provision of 2 parking spaces for the 3 bedroomed dwelling was considered acceptable and not to result in harm. Since that time alterations to the frontage of the site have provided an additional (3rd) parking space.

7.2.3 The current application seeks to convert the garage to habitable accommodation, however, no increase in bedrooms is proposed. As such, the parking requirement would not increase as a result of the development. The conversion of the garage would result in the loss of 1 parking space, however, 2 spaces would remain on the driveway. As such, the dwelling would retain the same level of car parking as proposed and considered acceptable in 2016 for a 3 bedroomed dwelling.

7.2.4 It is recognised that each application must be considered on its merits, however, regard must also be had to the planning history and the site remains in an accessible location within Chorleywood, 0.1 miles (3 minute walk) from the High Street, and in close proximity to Chorleywood Train Station, approximately 0.2 miles or a 5 minute walk, as well as bus stops within the High Street. As such the provision of 2 parking spaces to serve a 3 bedroomed dwelling in this location is considered to remain an appropriate level of provision and it is not considered that an onsite parking shortfall of 0.25 spaces would result in demonstrable harm to highway safety, and the proposal is considered to be acceptable in this regard.

7.3 Impact on Character and Street Scene

7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

7.3.2 Policy DM3 of the Development Management Policies document outlines that within Conservation Areas, development will only be permitted if the proposal is of a design and scale that preserves or enhances the character or appearance of the area. Policy 1 of the Chorleywood Neighbourhood Plan outlines that development proposals in conservation areas should preserve or enhance the character or appearance of the conservation area and use materials that are appropriate as defined in the relevant conservation area appraisal document.

7.3.3 The proposed garage conversion would result in the replacement of the existing garage door with a four-casement window, and the installation of a new window within the southern flank of the dwelling. The Conservation Officer has been consulted on the current application and has raised no objection to the proposal. It is considered that the proposed external alterations would be small in scale, and the proposed fenestration would reflect the existing design and proportions of the fenestration within the dwelling. Furthermore, whilst the host dwelling is one of four newer dwellings which are of a similar architectural style and design, the wider streetscene of Homefield Road is varied, and as such, it is not considered

that the proposed development would result in any harm to the character or appearance of the host dwelling, streetscene or Conservation Area in this regard.

7.3.4 It is noted that a neighbour objection has been received relating to the loss of the garage, in addition to the increased hardstanding to the front of the site which was approved under application reference 22/1428/FUL. Whilst it is noted that the 2022 planning permission did result in a reduction in soft landscaping to the front of the site, this would not be altered as part of the current application, and the current application relates solely to the conversion of the garage and associated alterations to fenestration. For the reasons outlined above, it is not considered that the proposed garage conversion would result in any harm to the character or appearance of the host dwelling, streetscene or Conservation Area.

7.3.5 Therefore, it is not considered that the proposed development would appear unduly prominent within the streetscene of Homefield Road, nor result in demonstrable harm to the character and appearance of the host dwelling, streetscene or Conservation Area and would accord with Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Neighbourhood Plan (referendum version, August 2020) and the Chorleywood Common Conservation Area Appraisal (adopted February 2010).

7.4 Impact on amenity of neighbours

7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential 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.

7.4.2 The proposed garage conversion would not alter the existing footprint of the host dwelling, and no additional built form is proposed. As such, it is not considered that the proposed garage conversion would result in loss of light or appear overbearing to neighbouring properties.

7.4.3 In terms of overlooking, the existing garage door would be replaced with a window. The window would have an outlook of the application site frontage, and would not result in any overlooking. One additional window is proposed within the southern flank of the dwelling, facing Anvil Cottage. However, given that this window would be sited at ground floor level serving a utility room, and the existing close boarded fencing boundary treatment along the shared boundary with this neighbour, it is not considered that the proposed window within the flank elevation would result in overlooking.

7.4.4 In summary, the proposed development would not result in an adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore 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.

7.5 Amenity Space Provision for future occupants

7.5.1 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.

7.5.2 The proposal would not impact the existing amenity space serving the dwelling to the rear, nor are any additional bedrooms proposed as part of the development. As such, the proposal is considered to be acceptable in this regard.

7.6 Wildlife and Biodiversity

- 7.6.1 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.
- 7.6.2 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.
- 7.6.3 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application. The proposed development would result in minor external alterations and would not impact the roof of the host dwelling. As such, the proposal is considered to be acceptable in this regard.

7.7 Trees and Landscaping

- 7.7.1 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.
- 7.7.2 The proposal would not result in harm to any trees, and the proposal is considered to be acceptable in this regard.

8 **Recommendation**

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

C1 The development hereby permitted shall be begun before the expiration of 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: P-001, P-002 and P-003 Rev B.

Reason: For the avoidance of doubt in the proper interests of planning and the visual amenities of the Chorleywood Common Conservation Area, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan (referendum version, August 2020) and the Chorleywood Common Conservation Area Appraisal (adopted February 2010).

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 building.

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

- 8.2 **Informatives:**

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:

- (a) Making a Non-Material Amendment
- (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>

- 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.