

PLANNING COMMITTEE – 19 October 2023

23/1481/RSP – Part Retrospective: Construction of rear conservatory and conversion of garage into habitable accommodation and extension of driveway at 21 BATESON DRIVE, LEAVESDEN, WATFORD, HERTFORDSHIRE, WD25 7ND

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 26.10.2023

Ward: Leavesden
Case Officer: Tom Norris

Recommendation: That the decision be delegated to the Head of Regulatory Services to consider any representations received and that PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED, subject to conditions.

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Councillor.

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=S079AXQFGWR00>

1 Relevant Planning History

1.1 19/1736/FUL - Part-retrospective: Conversion of existing garage into habitable accommodation, retrospective paving of front driveway and single storey rear extension - 06.11.2019 – Refused, for the following reasons:

R1 *The proposed development to replace the soft landscaping to the front of the dwelling with hardstanding significantly erodes the soft appearance of the frontage of the dwelling and results in unacceptable harm to the visual amenity of the streetscene. The proposal would therefore be contrary to 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 the NPPF (2019).*

R2 *The conversion of the garage results in a shortfall of parking provision to serve the dwelling, resulting in an increase in parking outside of the application site to the detriment of the safe movement and free flow of other highway users, the character of the area and residential amenity. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), and the NPPF (2019).*

1.2 12/1213/AOD - Approval of details: Details pursuant to condition 2 of outline planning permission 10/2230/OUT comprising the appearance, layout and scale of the buildings and landscaping for Phase 1 of the Leavesden Park scheme to provide 123 residential dwellings (including 44 affordable dwellings) and 1096sqm of flexible commercial floorspace (Use Classes A1, A2, A3, A5 and D1), a new public square, hard and soft landscaping, new open space and a children's play area with associated highways and infrastructure works – Permitted

Condition 8 of this planning permission states:

“Immediately following the implementation of this permission, notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment No 2) Order 2008 (or any other order revoking and re-enacting that order with or without modification) the following Classes of Schedule 2 of the Order as amended are withdrawn.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class E - provision of any building or enclosure

Class F - any hard surface

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.”

- 1.3 10/2230/OUT - Outline Application: For the construction of up to 425 dwellings, flexible mixed use centre comprising 2,350 sqm of A1, A2, A3, A5 and D1 uses, hotel (8,500 sqm), and associated parking, means of access and associated infrastructure works and use of agricultural land (The Horse field) and the former Furtherfield tip for public open space. (Matters reserved: Appearance, Landscaping, Layout and Scale) – Permitted

2 Description of Application Site

- 2.1 The application site consists of a detached dwelling located on Bateson Drive, Leavesden. Bateson Drive is a residential street characterised by dwellings of similar character and appearance which form part of a relatively modern development.
- 2.2 The application dwelling has grey tiled, gabled roof forms and has an exterior consisting of light render to the upper floors and buff facing brick. The dwelling also contains an integral garage.
- 2.3 To the front of the dwelling is a driveway which provides parking provision to serve the dwelling.

3 Description of Proposed Development

- 3.1 Part-retrospective planning permission is sought for the construction of a rear conservatory, the conversion of the garage into habitable accommodation and extension of front driveway.
- 3.2 The application description was amended during the application to include the retrospective works to remove the pre-existing soft landscaping to the front and pave this area.
- 3.3 The proposed conservatory would be constructed to the rear of the dwelling and would have a depth of 2.3m and a width of 5.4m. The conservatory would have a mono-pitched roof form with an eaves height of 2.3m and an overall height of 2.7m. The conservatory would have a glazed exterior.
- 3.4 It is proposed that the garage is converted to habitable accommodation (lounge and utility room). The existing garage door would be replaced with a three-casement window and brickwork to match the dwelling.
- 3.5 A portion of soft landscaping, which previous existed to the front of the dwelling, measuring some 3.0m in depth and 5.5m in width has been removed and laid as hardstanding to accommodate an additional car parking space.

4 Consultation

4.1 Statutory Consultation

4.1.1 Consultees were originally consulted on 04.09.2023 for a statutory 21-day period. Consultees were re-consulted on 09.10.2023 for a further 21-day period on the amended description.

4.1.2 Abbots Langley Parish Council: No response received.

4.1.3 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours were originally consulted on 04.09.2023 for a statutory 21-day period. Neighbours were re-consulted on 09.10.2023 for a further 21-day period on the amended description (expiring on 25.09.2023).

4.2.2 Neighbours consulted: 4

4.2.3 Responses received: 0

4.2.4 Site notice not required.

4.2.5 Press notice not required.

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 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).

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

6.1.3 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 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 In September 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2023 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

6.2.2 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

- 6.2.3 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.
- 6.2.4 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.
- 6.2.5 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.
- 6.3 Other
- 6.3.1 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Impact on Character and Appearance

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness 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.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. The Design Criteria at Appendix 2 states that 4.0m is the depth generally considered acceptable for rear extensions to detached dwellings.
- 7.1.3 The proposal to convert the garage into habitable accommodation is not considered to be harmful to the character and appearance of the dwelling. The replacement of the door with a window and brickwork to match is considered to integrate acceptably with the host dwelling.
- 7.1.4 The single-storey rear conservatory would have a depth of 2.3m and would have a mono-pitched roof form. Views of the proposal would largely be obscured from the street scene given that it is to the rear of the property. Some limited oblique views of the conservatory may exist from the public realm however it is not considered that they would be harmful to the street scene. It is also considered that the proposed extension of 2.3m in depth is proportionate to the scale of the host dwelling and therefore would not be harmful to its character.
- 7.1.5 Works have already been undertaken to remove a section of soft landscaping to the site frontage and lay additional paving to accommodate additional car parking space. This part of the works is in breach of Condition 8 of 12/1213/AOD therefore would require to be in-situ for 10 years for immunity from enforcement action. It is noted that this element of the development was previously refused under application 19/1736/FUL on grounds of character impact. While this is noted, it is factored into consideration that the character of the street scene has altered since the original construction of the scheme until now, with many dwellings in the immediate context removing small areas of soft landscaping to their respective frontages. Further, the frontage of the application site is also one of the most constrained given the forward positioning of the dwelling meaning other frontages are not

under the same pressure to lose soft landscaping. While the loss is regrettable, it is considered that the pre-existing area of landscaping was small in scale and its loss does not have a significant visual impact on the character of the area. The Council have also been in receipt of an appeal decision within the estate, at 6 Rosemarie Close (APP/P1940/D21/3279628), in which the Inspector concluded the loss of such a small-scale area of planting would only result in slight harm and, on balance, would not result in the property having an incongruous appearance but would rather reflect the local street scene. It is considered that these considerations can be applied in this context, given the similarities.

7.1.6 In summary, it is not considered that the proposed development would result in an adverse impact on the character or appearance street scene or area and the proposal 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 document.

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'. 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. The Design Criteria at Appendix 2 states that 4.0m is the depth generally considered acceptable for rear extensions to detached dwellings.

7.2.2 It is not considered that the proposal to convert the garage would lead to any direct impact to any neighbour in terms of a loss of light or overbearing impact. Although the proposal would introduce new glazing in the form of a window, it is not considered that this would be harmful to any neighbour in terms of overlooking.

7.2.3 The extension would have a depth of 2.3m and would be set off the shared boundary with the neighbour to the west by 5.0m and the neighbour to the east by 1.0m. Given the scale of the proposed extension and set off from the flank boundaries, it is not considered that the proposal would result in a loss of light or have an overbearing impact upon any neighbour. The extension would have glazed elevations however, given that this would be at ground floor level; it is not considered that the proposal would give rise to overlooking.

7.2.4 In summary, the proposed development is 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 Highways & Parking

7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and states that a four-bedroom, or more, dwelling should provide three off-street parking spaces.

7.3.2 The original dwelling contained four bedrooms and provided two off-street parking spaces. This included one space within the garage and one space to the frontage. The remainder of the frontage was made up of a small lawn area. This area was removed and paved some time between 2015 and 2016.

7.3.3 The LPA refused a previous application at the site for a garage conversion (19/1736/FUL). For the reasons set out in the above character and appearance section, the additional paving to the frontage is deemed acceptable therefore the parking space lost because of

the proposed garage conversion would therefore be mitigated by the additional space provided to the frontage and there would be no net loss of parking within the site when compared to the original provision of two-off street spaces.

7.3.4 In summary, the proposed development is acceptable in accordance with Policies CP10 and CP12 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.4 Rear Garden Amenity Space

7.4.1 Policy CP12 of the Core Strategy states that development should consider the need for adequate levels and disposition of privacy, prospect, amenity and garden space. The indicative level for a four-bedroom dwelling is 105sqm.

7.4.2 The dwelling would retain a garden of approximately 110sqm in area which would exceed the above indicative level and is therefore acceptable in this regard.

7.5 Trees & Landscape

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.

7.5.2 The proposed development would not impact upon any trees.

7.6 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. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.6.2 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 document. 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. A Biodiversity Checklist was submitted with the application which declared that no biodiversity interest would be impacted because of the proposed development.

8 **Recommendation**

8.1 That the decision be delegated to the Head of Regulatory Services to consider any representations received and that **PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED**, subject to the following conditions:

C1 The part of the development not completed 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 plan: 2328-SK-100 REV B

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of

neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013)

- 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).

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 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>.

- 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 development maintains/improves the economic, social and environmental conditions of the district.