

## PLANNING COMMITTEE - Thursday 16<sup>th</sup> November 2023

### **23/1182/RSP- Retrospective: Loft conversion including hip to gable roof extension with rear dormer window and front rooflights at 17 Winchester Way, Croxley Green, Rickmansworth, Hertfordshire, WD3 3QE**

Parish: Croxley Green Parish Council  
Expiry of Statutory Period: 02.10.2023  
Extension agreed to: 23.11.2023

Ward: Durrants  
Case Officer: Aaron Roberts

Recommendation: That RETROSPECTIVE PLANNING PERMISSION BE GRANTED subject to conditions.

Reason for consideration by the Committee: Called in by Croxley Green Parish Council unless Officers are minded to refuse for the reasons set out at 4.1 below.

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

[23/1182/RSP | Retrospective: Loft conversion including hip to gable roof extension with rear dormer window and front rooflights | 17 Winchester Way Croxley Green Rickmansworth Hertfordshire WD3 3QE \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/23/1182/RSP-Retrospective-Loft-conversion-including-hip-to-gable-roof-extension-with-rear-dormer-window-and-front-rooflights-17-Winchester-Way-Croxley-Green-Rickmansworth-Hertfordshire-WD3-3QE)

#### **1 Relevant Planning and Enforcement History**

- 1.1 08/0264/FUL - Two storey front extension and two storey and single storey rear extension with raised rooflight. Permitted and implemented.
- 1.2 23/0024/COMP – Enforcement Enquiry: Loft Conversion including rear dormer. Pending.

#### **2. Description of Application Site**

- 2.1 The application site is located on the northern side of Winchester Way, Croxley Green, a residential street characterised by primarily two-storey semi-detached dwellings. The application site contains a two-storey semi-detached dwelling finished in pebbledash (with a brick finish to the front at ground floor level).
- 2.2 The application dwelling has been extended via two storey front and rear projections and single storey rear extensions. Within the rear garden there is an outbuilding.
- 2.3 The attached neighbouring dwelling to the east, No.19 Winchester Way is a two-storey semi-detached dwelling finished partially in pebbledash and partially in red brick. It has been extended to the rear via a single storey rear extension. This neighbouring dwelling has a similar building line as the host dwelling and sits along a similar land level.
- 2.4 The neighbouring dwelling to the west, No.15 Winchester Way is a two-storey semi-detached dwelling finished partially in white render and partially in red brick. It has been extended via a single storey side extension. This neighbouring dwelling has a similar building line as the host dwelling and sits along a similar land level.

#### **3. Description of Proposed Development**

- 3.1 This application seeks retrospective planning permission for a loft conversion including hip to gable roof extension with rear dormer window and front rooflights.
- 3.2 The loft has been converted and serves a bedroom, shower room and eaves storage. In order to facilitate the loft conversion, the pre-existing hipped roof has been extended to form a gable. Within the rear roofslope a flat roof rear dormer has been constructed flush with

the western flank elevation of the dwelling. The dormer has a width of approximately 4.6m, depth of 3.1m and height of 2.6m. Within the rear elevation of the dormer there are two windows. The dormer is finished in a cement render finished in anthracite grey.

3.3 Within the western flank elevation at second floor level, a window has been inserted serving the stairwell. This window is obscurely glazed and non-opening.

3.4 Within the front roof slope there are two rooflights.

## **4. Consultation**

### **4.1 Statutory Consultation**

4.1.1 Croxley Green Parish Council: [Objection, Called in to Planning Committee unless Officers are minded to refuse]

*“Croxley Green Parish Council objects to the application. The application will have an overbearing and adverse visual effect on the Character Area in which it is located and therefore does not comply with Policy CA2 of the Croxley Green Neighbourhood Plan. If the officer is minded to approve, CGPC requests that the application is called into the TRDC planning committee”.*

4.1.2 National Grid: No comments received.

### **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted on 11.09.2023: 6

4.2.2 Responses received from 27.07.2023 consultation: 1 objection

4.2.3 Summary of Responses:

- Does not know of any other hip-gable roof extensions or rear dormers in Winchester Way;
- The application could set a precedent;
- When viewed from No.19, the development looks obtrusive and overlooks;
- Grey cladding does not match the colour of the existing roof so it does not blend in appropriately.

4.2.4 Site Notice not required

4.2.5 Press Notice not required

## **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 September 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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 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 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.

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: Policy CA2 and Appendices B and C are relevant.

### Other

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

## 7. Planning Analysis

### 7.1 Overview

7.1.1 In March 2023 an enforcement enquiry was received relating to a loft conversion and the construction of a rear dormer window.

7.1.2 Following a site visit it was ascertained that the works that had taken place did not comply with Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is because the materials used were not considered to comply with the requirements of the Condition at Class B.2(a) which states: “*the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse*”. The dormer window complies with all other parts of Class B.

- 7.1.3 As such, the owner was informed that as the development was not considered 'permitted development', it did not benefit from deemed planning permission and therefore an application for express planning permission would be required to formalise the works. This part retrospective planning application has therefore been submitted in response to the enforcement investigation to date.
- 7.2 Design and Impact on Character and Appearance of the host dwelling and wider streetscene
- 7.2.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to the Design of Development and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. With specific regard to the proposed development, the Design Criteria at Appendix 2 of the DMP LDD sets out that with regards to hip-to gable alterations, this type of extension is discouraged in the case of semi-detached houses as it is considered that it can unbalance the pair and result in a loss of symmetry. In some cases, roof forms in a street may be uniform and therefore this type of alteration may erode the group value of the street. With regards to dormer windows, Appendix 2 states that they should 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.
- 7.2.3 Policy CA2 of The Croxley Green Neighbourhood Plan requires that domestic extensions should seek to conserve and enhance the character of the area through the 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. Appendix C states that in the case of semi-detached houses any side extension should take account of the effect on the street-scene of a lop-sided extension, roof extensions should not involve the raising of the roof ridge, a change from hip roof to gable (other than a "Sussex hip" or "half hip").
- 7.2.4 The streetscene of Winchester Way is generally characterised by two-storey semi-detached dwellings, however, these dwellings are varied in terms of their materials and extent to which they have been extended.
- 7.2.5 The existing roof form has been altered from a hipped roof form to a gabled roof form. The adjoining neighbour at No.19 Winchester Way has not undertaken a hip to gable enlargement and as such the proposed development would alter the symmetry of the pair. However, given the varied nature of Winchester Way, including dwellings with various materials and both front and rear extensions, it is not considered that in the wider setting the roof alteration appears unduly prominent or incongruous so as to result in harm to the character of the streetscene. The application dwelling itself has been extended via a two-storey front and rear projection, whilst the adjoining neighbour, No.19 Winchester Way has not. It is considered that the pre-existing extensions already un-balance the pair of semi-detached dwellings. Furthermore, there are examples of hip-to-gable roof alterations and associated rear dormer within the streetscene, for example at No.34 Winchester Way. Section 7.2.8 will discuss what could potentially be undertaken via "permitted development".
- 7.2.6 It is acknowledged that Croxley Green Parish Council have objected to this element of the proposal and it is noted that the roof alteration from a hip roof form to a gable contradicts the guidelines set out in Appendix C of The Croxley Green Neighbourhood Plan. However, given the varied nature of the streetscene and that a similar roof alteration (albeit with a dormer finished in different materials) could be carried out under permitted development, it is not considered that the hip to gable alteration would detrimentally impact the character of the dwelling or streetscene as to justify the refusal of planning permission.

- 7.2.7 The dormer is visible from the streetscene given that it is set flush with the western flank elevation, however, it is not considered that the dormer is excessively prominent given its location to the rear of the dwelling and the existence of other rear dormers in the vicinity, for example at 34 Winchester Way.
- 7.2.8 Under Schedule 2, Part 1, Class B of the *Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)* it is possible to implement hip-gable roof alterations and construct a rear dormer as long as certain requirements and conditions are met. Given that the application dwelling is semi-detached, the cubic content of the original roof space can be increased by up to 50m<sup>3</sup>. In this case, the combined cubic increase of the roofspace as a result of the hip-to-gable roof alteration and rear dormer is approximately 29.9m<sup>3</sup>, significantly less than the 50 cubic metres allowed under permitted development. However, in this case, the development fails to meet Condition B.2 (a) which states that “*the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse*”. Whilst it is acknowledged that the cladded finish means that the dormer is not finished in materials similar to the main dwelling and as such is not considered to be permitted development, the visible part of the dormer (from the streetscene) is finished with pebbledash to match the main dwelling. Given the location of the cladded element to the rear of the dormer (not readily visible from the streetscene) and the varied materials and finishes along the streetscene, it is not considered that the cladded rear dormer detrimentally impacts upon the character of the host dwelling or wider streetscene to justify the refusal of planning permission.
- 7.2.9 The front rooflights are not considered to have a detrimental impact on the character or appearance of the dwelling or wider street scene given their relatively minimal scale.
- 7.2.10 The development therefore does not result in unduly prominent additions and is acceptable with regard to its impact on the host dwelling, street scene and wider area. The development complies with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the DMP LDD and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted Dec 2018).

### 7.3 Impact on neighbours

- 7.3.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the DMP LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and development should not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.3.2 The hip to gable extension has increased the bulk of the roof form and brought the built form closer to No.15 Winchester Way. However, the application dwelling is set off the shared western boundary by approximately 1.1m and No.15 (not including the car port structure) is set approximately 1.3m from the shared boundary. Given the separation between the application site and No.15, it is not considered that the formation of the gable end has resulted in demonstrable harm to the residential amenity of No.15 through being an overbearing form of development or loss of light. The rear dormer is set minimally off the eastern boundary and set flush with the western flank elevation. Given that the dormer does not extend beyond the roofslope, it is not considered that it results in an unacceptable loss of light or overbearing impact to either neighbour. With regards to overlooking, the windows within the rear of the dormer are orientated towards the private garden space of the application dwelling and do not result in additional overlooking compared to the pre-existing circumstances, given the presence of first floor windows. As such, it is not considered that the proposed rear dormer would result in any adverse impact on the residential amenity of any neighbouring dwelling.

7.3.3 Within the western flank elevation at second floor level, a window has been inserted serving the stairwell. This window is obscurely glazed and non-opening. As such, it is not considered that this window results in a perceived sense of or actual overlooking.

7.3.4 Given the location of the front rooflights and their orientation towards the sky, it is not considered that they result in overlooking.

7.3.5 As such it is not considered that the development results in such unacceptable harm to neighbouring amenity to justify the refusal of planning permission.

#### 7.4 Amenity Space

7.4.1 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 The development has increased the number of bedrooms from 3 to 4, therefore 105sqm of private amenity space is required. Following the works, the site has retained approximately 90sqm of amenity space (including summerhouse in rear garden). Whilst this figure does not strictly accord with the guidance, the amenity space is still considered to be sufficient. The site is also in close proximity to Barton Way Park to the south (approximately 120m). As such, the scheme is considered acceptable in this regard.

#### 7.6 Parking

7.6.1 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.

7.6.2 The development has increased the number of bedrooms within the dwelling from 3 to 4 and therefore the site requires three parking spaces. The front drive can accommodate two vehicles, which results in a shortfall of one parking space. However, the site is located within a sustainable location within Croxley Green, close to local amenities and transport connections. A local parade of shops and amenities in New Road is 0.4 miles away and the nearest bus stops are approximately 100m away (travelling towards Rickmansworth and Watford). Given the above, it is not considered that a shortfall of one parking space would justify the refusal of planning permission.

#### 7.7 Trees and Landscaping

7.7.1 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.

7.7.2 The application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value have harmed or removed by virtue of the proposal and the development is considered acceptable in this regard.

#### 7.8 Biodiversity

7.8.1 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.

7.8.2 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 and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken. The addition of new hedging would ensure biodiversity net gain.

## 7.9 Planning Balance

7.9.1 It must be noted that whilst a lawful development certificate was not submitted, under permitted development a similar hip to gable alteration could be constructed.

7.9.2 As set out in paragraph 7.1.2 of this report, the dormer window complies with all other parts of Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) apart from Condition B.2 (a) which relates to materials being similar to the dwelling.

7.9.3 As such, if the dormer was constructed in materials to match the dwelling, then it is considered that the loft conversion including hip to gable roof extension with rear dormer window and front rooflights would fall under the remit of permitted development.

7.9.4 On this basis, it is considered that a legitimate fall-back position exists for the structure on site. As set out above, officers consider that the materials used to clad the dormer window do not result in demonstrable harm to the character or appearance of the dwelling or wider area, and on that basis the proposal is considered acceptable.

## 8. **Recommendation**

8.1 That retrospective planning permission be GRANTED and has effect from the date on which the development was carried out and is subject to the following conditions:

C1 The development hereby permitted shall be maintained in accordance with the following approved plans: A(SV)000, A(20)100, A(SV)100.

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

C2 The window in the second-floor western flank elevation, serving the stairwell shall be permanently retained with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed.

Reason: To safeguard the amenities of the occupiers of No.15 Winchester Way 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 or similar openings [other than those expressly authorised by this permission] shall be constructed in the side elevations and side roofslope of the proposed 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](mailto: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](http://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:

### Making a Non-Material Amendment

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 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.