

## PLANNING COMMITTEE - Thursday 14 December 2023

### 23/1767/FUL - Replacement of doors and windows at PENN COTTAGE, WHITEGATES CLOSE, CROXLEY GREEN, RICKMANSWORTH, WD3 3JY

Parish: Croxley Green Parish Council

Ward: Dickinsons

Expiry of Statutory Period: 28.12.2023 (EOT)

Case Officer: Katy Brackenboro

Recommendation: That planning permission be granted.

Reason for consideration by the Committee: A member of staff lives within the consultation area.

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=S2PM2IQFHFE00>

#### 1 Relevant Planning History

- 1.1 8/41/92 - Erection of eight dwelling houses - 12.01.93.
- 1.2 05/0374/FUL - Single and two storey rear extension. Permitted. 09.05.2005.
- 1.3 05/1291/FUL - Single and two storey rear extension. Permitted. 03.11.2005.

#### 2 Description of Application Site

- 2.1 The application site contains a semi-detached dwelling within the Croxley Green Conservation Area and is located within Character Area 2 of the Croxley Green Neighbourhood Plan. It is situated in the south-eastern corner of the 'Kings Oak' development. This development was built in the 1990s and is accessed via Whitegates Close. The development consists of eight semi-detached dwellings of similar design built around a central courtyard which includes three Oak trees protected by Tree Preservation Order TPO518.
- 2.2 The dwelling is two storeys. It has been extended via a part single, part two storey rear extension.
- 2.3 To the rear of the dwelling is an irregular shaped garden of approximately 195sqm which includes a patio area and an area laid to lawn to the rear. The southern boundary of the site is close boarded fencing approximately 1.8m high.
- 2.4 There is a protected Elm tree to the south-eastern part of the application site. There is also a protected Oak tree to the south-eastern boundary of the site. There is a protected Ash tree, within the curtilage of Rowan Cottage, which is sited close to the shared western boundary.
- 2.5 Holly Cottage, the neighbour to the north-east of the application dwelling benefits from a single storey rear extension.
- 2.6 Rowan Cottage, the neighbour to the north-west, has been extended via a single storey front extension and loft conversion with rear dormer. There is an outbuilding and shed to its rear garden.
- 2.7 Parrotts, the neighbouring detached property to the south of the application site is a Grade II Listed Building.

#### 3 Description of Proposed Development

- 3.1 This application seeks full planning permission for replacement windows and doors.
- 3.2 It is proposed to replace the existing white framed timber windows to the rear and south-eastern flanks at both ground and first floor level with new white framed upvc windows as per the specification provided by Harp Windows. The existing bi-folding doors and single door at ground floor level to the rear elevation would be replaced with slate grey framed bi-folding doors and a white upvc door as per the specification provided by Harp Windows.
- 3.3 The existing timber windows to the front elevation would not be altered.

## **4 Consultation**

### **4.1 Statutory Consultation**

#### **4.2 Conservation Officer: [No objection]**

This application is for the replacement of doors and windows. Penn Cottage is located in the Croxley Green Conservation Area. The dwelling forms part of small housing development that was constructed in the early twenty first century. The proposal is for a like-for-like replacement of the windows and doors to the rear elevation. The proposal would preserve the character and appearance of the conservation area. There would be no objection from a heritage perspective.

#### **4.3 Croxley Green Parish Council: No response received.**

#### **4.4 Landscape Officer: [No objection]**

The application from indicates that no trees or hedges will need to be felled or pruned to facilitate the development. No further comment

#### **4.5 National Grid: [No comment received]**

### **4.6 Public/Neighbour Consultation**

4.7 Number consulted: 9

4.8 No of responses received: 0

4.9 Site Notice: Expires on 01/12/2023

4.10 Press notice: Expires on 01/12/2023

4.11 Summary of Responses: None received to date. A verbal update will be provided at Planning Committee.

## **5 Reason for Delay**

5.1 Not applicable.

## **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).

S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 National Planning Policy Framework and National Planning Practice Guidance

In 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”.

## 6.3 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, DM13 and Appendices 2 and 5.

Croxley Green Conservation Area Appraisal (adopted 1996)

The Croxley Green Neighbourhood Plan Referendum Version was adopted in December 2018. Relevant policies include: Policy CA1 and Appendices B and C are relevant.

## 6.4 Other

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 Design and Impact on Character and Conservation Area

- 7.1.1 Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.3 As the site is located within the Croxley Green Conservation Area, Policy DM3 of the Development Management Policies document is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserve or enhances the character and appearance of the area; uses building materials and finishes that are appropriate to the area and results, where relevant in the removal of unsympathetic features and the restoration or reinstatement of missing features.
- 7.1.4 The proposal would result in the replacement of the existing timber windows within the south-eastern and rear elevations at ground and first floor level, with new white upvc windows, and the replacement of the existing upvc door and patio doors to the rear elevation at ground floor level. The patio doors within the rear elevation at ground floor level which would be replaced with bi-folding doors in slate grey. The size of the windows and doors would reflect the existing and would be fitted within the existing openings, including glazing bars and detailing to match existing. Whilst the proposed replacements would be upvc rather than timber, they would reflect the appearance and proportions of the existing openings. It is also noted that there is a variety of colours and materials to the windows of properties within the close, for example, the adjacent neighbour at Holly Cottage has white upvc windows and there are brown casements to the neighbour Rowan Cottage. The Conservation Officer has raised no objection on heritage grounds and the timber windows to the front elevation would be retained.
- 7.1.5 In summary, it is considered that the proposed development would not result in any adverse harm to the character or appearance of the host dwelling, streetscene or wider Conservation Area. The development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013), and Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018), the Croxley Green Conservation Area Appraisal (adopted 1996) and the NPPF (2023).
- 7.2 Impact on the setting of adjacent listed building
- 7.2.1 Policy DM3 of the Development Management Policies LDD sets out that development would only be supported where it would not adversely affect the setting of Listed Buildings.
- 7.2.2 The neighbouring property to the south of the application site, Parrotts, is a Grade II Listed Building. The proposal given its nature is not considered to have any adverse impact on the setting of Parrotts. The development would therefore accord with Policy DM3 of the Development Management Policies LDD.
- 7.3 Impact on amenity of neighbours
- 7.3.1 Policy CP12 of the Core Strategy advise that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all development is expected to maintain acceptable standards of privacy for both new and existing residential buildings and should not result in a loss of light to the windows of neighbouring properties nor allow overlooking.

7.3.2 The proposed replacement windows and doors to the rear and south-eastern flanks would not result in any increase in bulk and massing of the host dwelling, with the replacement windows and doors having the same dimensions as the existing fenestration. The proposal would therefore not result in any adverse harm to the residential amenities of any neighbouring occupiers.

7.3.3 In summary, the proposed development would not result in any adverse impact on any neighbouring dwellings and the development 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 LDD.

#### 7.4 Wildlife and Biodiversity

7.4.1 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.

7.4.2 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.

7.4.3 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.

#### 7.5 Trees and Landscaping

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 the proposal should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards. There is a protected Elm tree to the south-eastern part of the application site, a protected Oak tree to the south-eastern boundary of the site and a protected Ash tree, within the curtilage of Rowan Cottage, which is sited close to the shared western boundary.

7.5.2 The Landscape Officer was consulted during the course of the application and states that the application form indicates that no trees or hedges will need to be felled or pruned to facilitate the development and states that there is no further comment. Given the nature of the proposal, it is not considered that any trees would be impacted by the proposal.

### **8 Recommendation**

8.1 That subject to no new material considerations being raised **PLANNING PERMISSION BE GRANTED**, subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration date 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: Sheet 1, Sheet 2, TRDC001 (Partial floorplans), TRDC002 (Block Plan), TRDC003 (Location Plan), TRDC 004 (Windows and doors specifications)

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) and the Croxley Green Conservation Area Appraisal (adopted 2016).

- C3 The windows and doors shall be installed in accordance with the details shown on drawing numbers Sheet 1, Sheet 2 and TRDC004 (Windows and doors specifications) and as set out in the Heritage Statement. 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), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), Policy CA2 and Appendices B and C of the Croxley Green Neighbourhood Plan Referendum Version (adopted December 2018) and the Croxley Green Conservation Area Appraisal (adopted 2016).

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](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 ([cil@threerivers.gov.uk](mailto:cil@threerivers.gov.uk)). 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> with the Council's Development Management Section prior to the commencement of work.

- 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.
- 13 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.
- 14 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.