

PLANNING COMMITTEE – 23 May 2024

24/0338/FUL – Construction of part single, part two storey rear extension; raised rear patio, conversion of garage into habitable accommodation and loft conversion including rear dormer window and front rooflights; internal alterations and alterations to fenestration at 63 EASTBURY ROAD, NORTHWOOD, HA6 3AP

Parish: Batchworth Community Council Ward: Moor Park and Eastbury
Expiry of Statutory Period: 28.05.24 (agreed extension) Case Officer: Lauren Edwards

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The application has been called in by 3 members of the planning committee in order to discuss the impact of the development on neighbouring amenity.

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

[24/0338/FUL | Construction of part single, part two storey rear extension; raised rear patio, conversion of garage into habitable accommodation and loft conversion including rear dormer window and front rooflights; internal alterations and alterations to fenestration. | 63 Eastbury Road Northwood HA6 3AP \(threerivers.gov.uk\)](#)

1 Relevant Planning

- 1.1 24/0304/PDE - Prior Approval: Single storey rear extension (depth 6.50 metres, maximum height 3.55 metres, maximum eaves height 3.0 metres) - Withdrawn.
- 1.2 24/0313/CLPD - Certificate of Lawfulness Proposed Development: Loft conversion including hip to gable roof extension, rear dormer window and front/rear rooflights; conversion of garage into habitable accommodation; additional flank window - Permitted.
- 1.3 24/0601/PDE - Prior Approval: Single storey rear extension (depth 6.50 metres, maximum height 3.58 metres, maximum eaves height 3.00 metres) - Pending consideration.

2 Description of Application Site

- 2.1 The application site is roughly rectangular in shape and is located on the western side of Eastbury Road, Northwood. The application dwelling is a detached property finished in facing brickwork and painted render. To the front the property has a two storey front bay feature, porch and catslide roof feature. To the rear is a single storey rear projection.
- 2.2 To the front of the site is a block paved driveway and to the rear is a patio with the garden mostly laid as lawn.
- 2.3 The neighbour to the north at No.65 is a detached two storey dwelling. This neighbour is built of a similar architectural style and scale to the application dwelling. This neighbour is sited at a slightly lower land level to the application site and has an existing single storey rear extension.
- 2.4 The neighbour to the south at No.61 is a detached two storey dwelling. This neighbour is finished in beige and white painted pebble dash and has existing single storey rear projections. This neighbour is at a slightly higher land level to the application dwelling.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of a part single, part two storey rear extension; raised rear patio, conversion of garage into habitable accommodation and loft conversion including rear dormer window and front rooflights; internal alterations and alterations to fenestration.
- 3.2 The proposed part single part two storey rear extension would have an overall depth of 6.5m at ground floor and 2.2m at first floor. Both elements would extend the width of the application dwelling. The ground floor element would have a crown roof with a maximum height of 3.6m. The proposed two storey element would also form a crown roof set down 0.5m from the main ridge.
- 3.3 Loft accommodation is also proposed which would be served by a flat roofed dormer which would be inserted in the rear roofslope of the two storey extension. It would have a width of 2.4m, height of 2.4m and a depth of 2.5m. A rooflight is also proposed within the southern side roofslope and two rooflights are proposed within the front roofslope.
- 3.4 The existing garage would be converted into a study which would include the replacement of the existing garage door with a triple casement window.
- 3.5 A rear patio would be constructed across the width of the rear elevation which would have a depth of 3m and a height of 0.3m above ground level.
- 3.6 Amended plans have been received during the course of the application to reduce the height and depth of the two storey extension by 0.8m in depth and 0.2m in height, alter the rear dormer to a flat roof dormer and have a wider flat roof section to the ground floor element. Neighbours were reconsulted on the received amendments as owing to the larger expanse of crown roof to the ground floor level resulting from the reduced first floor, the highest point of the roof would be closer to neighbours than original proposed.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Batchworth Community Council:

Initially made the following comment:

Batchworth Community Council has no objections to this application.

Upon re-consultation made the comments below:

Batchworth Community Council have no material objections to the plans per se but request a condition be imposed that before any work starts on the site, a full drainage and sewerage study be commissioned, and a report passed to and signed off by the planning officers.

The study must consider the increase in major storms that are now much more common. The surrounding roads in Eastbury are subject to severe surface water flooding and this in turn overwhelms the sewerage system causing raw sewage to erupt from the drainage system.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 6

4.2.2 Responses received: 7 (3 support and 5 objections)

4.2.3 Summary of objections:

- Flooding and drainage concerns
- Concerns regarding tree removal
- Loss of privacy
- Loss of light
- Overshadowing
- Impact on character of the area
- Dormer window not in keeping

4.2.4 Summary of supporting comments:

- Development under full planning preferable to permitted development
- In Flood Zone 1 – should not be refused on flood risk grounds

4.2.5 Site Notice: Not required

4.2.6 Press notice Not required

5 Reason for Delay

5.1 Committee cycle. Extension agreed.

6 Relevant Planning Policy, Guidance and Legislation

6.1 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).

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2023 the new 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.

6.3 The Three Rivers Local 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, DM6, DM8, DM13 and Appendices 2 and 5.

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 Impact on the character and appearance of the host dwelling and the locality

- 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 Appendix 2 of the Development Management Policies outlines that single storey rear extensions should not generally exceed 4m in depth to detached dwellings.
- 7.1.3 The proposed rear extension would have a depth of 6.5m at ground floor level and 2.2m at first floor level. As such would exceed the guidance of Appendix 2 of the DMP LDD in relation to its depth at ground floor. Whilst some oblique views may be had of the two storey rear extension from the streetscene, given that it would be set in from the boundaries, in line with the existing flanks and would be set down from the main ridge with a hipped roof form it is considered that overall this element would appear as a subordinate addition to the host dwelling. Whilst it is noted that the proposed single storey element would exceed the guidance of Appendix 2 given that it would be set in line with the existing flanks with a single storey crown roof form it is not considered that when viewed in the context of the scale of the host dwelling or site that it would appear as a disproportionate addition. Whilst first floor level flat roofed sections are generally discouraged the proposed two storey crown would be set down from the main ridge and would not be excessive in scale such that it could be indicative of excessive increased bulk and massing. Whilst not directly comparable there are a number of extensions evident in the streetscene such that the proposed rear extension would not appear incongruous in its scale or form.
- 7.1.4 Appendix 2 of the DMP LDD outlines that dormer windows should appear subordinate to the host roof. The proposed rear dormer would be set in from all planes of the roof form of the two storey rear projection and overall would appear as a subordinate addition. Furthermore the proposed two casement window would respect the hierarchy of windows expected at upper floors.

- 7.1.5 The proposed flank and front rooflights would be readily visible from the streetscene however are not excessive in their scale or number and would be set flush within the roof plane. Additionally they would not appear incongruous within the residential setting of the locality.
- 7.1.6 Subject to the use of matching windows it is not considered that the proposed garage conversion would appear unduly prominent or incongruous within the residential setting of the locality.
- 7.1.7 The proposal also includes the erection of a raised patio which is not considered excessive in scale or an incongruous feature which would be at odds with the character of the locality as it is a feature often evident within a residential setting.
- 7.1.8 In summary it is considered that the scheme, as currently submitted, would not result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal would be acceptable 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).
- 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.
- 7.2.2 Appendix 2 of the DMP LDD outlines that two storey rear and side extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and positions of windows and development on neighbouring properties.
- 7.2.3 The proposed two storey rear extension would not intrude a 45 degree line when taken from the point on the boundary level with the rear elevation of No.61. Given this in addition to its siting set in from the boundary, in line with the main flank and roof form hipped away from the boundary and set down from the main ridge it is not considered that this element would result in unacceptable harm to this neighbour by virtue of an overbearing impact or loss of light.
- 7.2.4 The proposed two storey rear extension would not intrude a 45 degree line when taken from the point on the boundary level with the two storey rear elevation of No.65. It is noted that this neighbour is sited at a slightly lower land level however they do have an existing single storey rear extension. Given the lack of intrusion even with the two storey rear elevation, the siting of the extension set in from the boundary with a hipped roof form, set down from the main ridge it is not considered that it would result in such an overbearing impact or loss of light so as to result in demonstrable harm to their amenity.
- 7.2.5 Guidance contained within Appendix 2 of the Development Management Policies LDD (adopted July 2013) indicates that generally a 4m depth is considered acceptable for single storey rear extensions to detached properties, however, proposals should also be considered on their merits in relation to the specific site circumstances.
- 7.2.6 The proposed single storey rear extension would have an overall depth of 6.5m thus would exceed the guidance of Appendix 2 by 2.5m.

- 7.2.7 The proposed single storey rear extension would extend in line with the existing main flank closest to No.61 at a distance of approximately 0.9m from the boundary. Whilst the 4m guidance figure would be exceeded it is noted that the existing two storey rear of the neighbour projects deeper than that of the application dwelling. The proposed single storey rear extension would extend approximately 4.1m beyond this element which would only marginally exceed the 4m guidance. Given this in addition to the crown roof form of the proposed extension where the roof would hip away from the boundary, and spacing between both dwellings and the shared boundary, it is not considered that the proposed extension would give rise to unacceptable harm to this neighbour by virtue of an overbearing impact or loss of light.
- 7.2.8 It is acknowledged that the neighbour at No.65 is sited at a slightly lower land level to the application site and that the extension would have a depth which, overall, exceeds the policy guidance by 2.5m. However this neighbour has an existing single storey rear projection in line with the flank facing the application site. The proposed extension would extend approximately 4m beyond the rear elevation of the neighbour's extension which would reflect the guidance figure. When considering this, that the proposed extension would be set in 1.4m from the boundary and would have a crown roof which would be hipped to the side and rear it is not considered that the proposed extension would result in demonstrable harm to the amenity of this neighbour by reason of an unacceptable overbearing impact or loss of light.
- 7.2.9 The proposed first floor flank windows would be conditioned to be obscure glazed and top level opening only and the flank rooflight conditioned to have a cill height of at least 1.7m above floor level in order to prevent unacceptable overlooking.
- 7.2.10 The proposed rear dormer would be set in from all planes of the roofslope and thus from both boundaries. Overall it is not considered that it would result in an unacceptable overbearing impact or loss of light. Whilst some additional views would be had towards neighbouring gardens these would be angled towards the rearmost sections of the gardens and is not considered to give rise to unacceptable levels of overlooking when compared with the existing first floor windows.
- 7.2.11 The proposed raised rear terrace would extend 3m beyond the rear elevation of the extended dwelling. However at a proposed height of 0.3m would generally not be considered to comprise development within the definitions set out within the Town and Country Planning Act therefore would not require express planning permission. In any event there is an existing degree of overlooking between properties from the existing garden which is not considered to be unduly exacerbated by the proposed rear patio.
- 7.2.12 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring occupier so as to justify refusal of the application and the development would therefore be acceptable 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).

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.
- 7.3.2 Appendix 5 outlines that dwellings with four or more bedrooms should provide 3 on-site parking spaces. The existing site frontage could accommodate 3 cars thus would comply with the guidance of Appendix 5. It is noted that the proposal includes the loss of the existing garage however the site frontage is of sufficient size to meet the requirements of Appendix 5.

7.4 Rear Garden 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 privacy, prospect, amenity and garden space.
- 7.4.2 Appendix 2 requires 147sqm to be provided for a six bedroom dwelling. The application site would retain approx. 335sqm of amenity space and as such would exceed the requirements of Appendix 2 in this respect.

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 There is a TPO to the very rearmost part of the application site. However owing to the separation distances it is not considered that the proposal would result in any direct root severance. A tree protection plan would be required by condition to prevent materials being stored to the rear of the site.

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 and states that no protected species or biodiversity interests will be affected as a result of the application. Given that the proposed development includes work affecting the roofspace an informative will be added to ensure the applicant is mindful of the action to take should bats be discovered.

7.7 Flood Risk and Drainage

- 7.7.1 Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.
- 7.7.2 The application site is within Flood Risk Zone 1 therefore at a low level risk of flooding. The site is also in a low risk zone for surface water flooding. In any event owing to the nature of the proposed development there is no statutory requirements for the LPA to require a flood risk assessment or drainage strategy. Furthermore a significant amount of soft landscaping would be retained and it is not considered that the extent of the extensions or rear patio would, in isolation, exacerbate existing flooding issues within the area. An individual application cannot be used to remedy existing issues within the locality.

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: PL-01, PL-02, PL-06 (Block plan)
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, DM8, 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).
- C4 Before the first occupation of the extension hereby permitted the first floor flank windows shall be fitted 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. The window shall be permanently retained in that condition thereafter.
Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C5 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/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the side elevations or roof slopes of the extension 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).
- C6 The flank rooflight hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.
Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C7 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and

their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 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 0208 207 7456 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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.

- 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.
- I4 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).