

Committee Meeting 12 November 2020

APPLICATION NO: 20/1281/FUL

DATE OF APPLICATION: 18 August 2020

STATUTORY START DATE: 18 August 2020

SITE LOCATION

31 Beech Avenue, Radlett, Hertfordshire, WD7 7DD

DEVELOPMENT

Demolition of existing detached dwelling and erection of 2 x semi-detached 3-bed dwellings to include accommodation at basement and loft levels (revised application).

AGENT

Mrs Amelia Phewa
Matthew Murray House
97 Water Lane
Leeds
LS11 5QN

APPLICANT

Mr and Mrs Jenman
31 Beech Avenue
Radlett
WD7 7DD

WARD: Aldenham East

GREEN BELT: No

CONSERVATION AREA: No

LISTED BUILDING : No

TREE PRES. ORDER: No

1.0 Summary of recommendation

1.1 Grant permission subject to conditions.

2.0 Application site and surroundings

2.1 The property comprises a detached four bedroom house with attached garage, house set in a deep plot and fronting the west side of Beech Avenue. The property is set back from the road on a generally consistent building line with adjacent and neighbouring properties.

2.2 Beech Avenue is an unmade road characterised by low density residential development, predominantly detached houses, generally evenly spaced two storey buildings.

2.3 The property is not listed and Beech Avenue is not within a conservation area.

3.0 Proposal

3.1 The application seeks permission to demolish the existing house and erect a pair of semi-detached three bedroom houses.

3.2 The application follows a previous, recent application for a similar development which was withdrawn by the applicant following discussions with officers (20/0840/FUL). Officers were concerned the scheme's proposed semi-detached houses would not be satisfactory in scale and appearance in its context. That proposal sought permission for:

Demolition of existing detached dwelling and erection of 2 x semi-detached 4-bed dwellings to include accommodation at basement and loft levels.

3.3 As with the previous scheme the proposed houses would be gable ended properties each with bedroom accommodation in the roofspace, a basement accommodating a games room, and a rear single storey flat roof projection (5.2m deep, 3m high). The scheme seeks to address previous concerns by reducing the dwellings to three bedroom properties and altering the scale and design of the houses. In summary the changes made from the earlier proposal are:

1. Reduced ridge height
2. Removal of front dormers
3. Change to rear dormer design
4. Change to parking provision design
5. Changes to front elevation design

3.5 Key characteristics

Site area	0.09ha
Accommodation	2no. 3 bedroom houses, 4 levels of accommodation including roofspace bedroom and basement games room
Parking	2 spaces for each house

4.0 Relevant planning history

Reference number	Description	Date and outcome
20/0840/FUL	Demolition of existing detached dwelling and erection of 2 x semi-detached 4-bed dwellings to include accommodation at basement and loft levels.	6 August 2020 Application Withdrawn
	Part single/part two storey front and rear extensions, alterations to roof.	2 August 2001 Grant Permission

Nil

5.0 CONSULTATION

5.1 Notices

Site Notice (Generic) Expiry Date: 13.10.2020
 No Press Notice Required.

5.2 Consultation

Consulted:

Consultee	Date Consulted
Aldenham Parish Council	21 August 2020
CPZ - Parking Operations	21 August 2020
Highways	21 August 2020
Drainage Services	21 August 2020
Housing	21 August 2020
Environmental Health & Licensing	21 August 2020
Affinity Water Limited	21 August 2020
Drainage Services	21 August 2020
CIL	21 August 2020
Senior Traffic Engineer	21 August 2020
Tree Officer	21 August 2020
Radlett Society And Green Belt Association	21 August 2020
EDF Energy Networks	21 August 2020
Cadent Gas Limited (Prev National Grid Company Plc)	21 August 2020
Affinity Water Limited	21 August 2020
Thames Water Development Planning	28 August 2020

Responses:

Consultee	Comment
Aldenham Parish Council	See below
CPZ - Parking Operations	No comment
Drainage Services	No comment
HCC Highways	Does not wish to restrict the grant of planning permission.
Environmental Health	The site backs onto a railway line therefore a noise impact assessment needs to be undertaken to determine if any noise mitigation measures need to be incorporated into the design specification.

Aldenham Parish Council response:

Council acknowledge ridge height has been reduced but little else has changed since the last application. Thus:

- a) As a result of the revised lower ridge height the large dormer at the back would appear to exceed more than 60% of the roof surface. This would not comply with Hertsmere Planning and Design Guide E, section 6.f:
 Dormers should be small as possible and should generally be located in the rear roof slope. As a general rule, the Council will resist dormers that take up more than 60% of the roof face.
- b) The proposal would breach the two metre (to the boundary) rule.
- c) The proposal breaches the 45degree angle rule at the back.
- d) The development would not comply with policy SADM30 of the Local Plan for the following reasons:

1. It would not recognise and complement the particular local character of the area in which it is located;
 2. It would not respect, enhance or improve the visual amenity of the area by virtue of its scale, mass, bulk, height, urban form; and
 3. It would have a significant negative impact on the amenity of neighbours in terms of outlook and privacy.
- e) The front of the houses will be dominated by hardstanding for car parking. This would not comply with Hertsmere Planning and Design Guide D, section 2 c, k, which states that buildings should not be separated from the street solely by areas of hard-standing such as car parking and that car parking should not dominate building frontages.

For the above reasons, the development does not accord with the design principles set out in the Radlett Design Code of the emerging Radlett Neighbourhood Plan.

5.3 Neighbour notification

In Support	Against	Comments	Neighbours Notified	Contributors Received
1	19	0	25	20

Summary of responses

- Development excessive for narrow width of plot and small frontage; overdevelopment; footprint too large; cramped form of development
- Height and character of roof out of scale
- Boundary spacing of 2m is breached with only 1m both sides
- Out of character/keeping with other houses in road; fails to respect street pattern and local context; incongruous appearance in its surroundings; detrimental and harmful to street scene
- Intrusive and loss of privacy to neighbours - adverse impact of bulk and rearward projection on residents of 29; 45 degree daylight angle not achieved; adverse impact to residents of 33 by light loss to side window and serious overshadowing of rear of property
- Insufficient on-site parking - will result in overspill parking including by visitors to road causing congestion, pinch point, obstruction and , hazard to pedestrians and vehicles, no garages provided
- Parking cramped and dominates frontage, visually detrimental
- Basement – concern regarding stability/foundations/subsidence impacts to neighbouring properties, safeguards would be vital
- Dangerous precedent
- Changes from previous scheme not sufficient to address concerns
- Environmental cost of demolition and rebuilding
- Query whether National Rail should have been notified
- One response supports proposal

A comment was also received from the Herts & Middx Wildlife Trust stating, in summary, that the building is suitable for bats, in a location where bats have been recorded and close to high vale feeding and roosting habitat. The Trust consider a bat survey should be submitted and assessed before a decision is made.

DLA Planning Ltd have submitted two letters objecting to the application on behalf of residents at nos. 29, 33 and 20 Beech Avenue, summarised below:

Letter 1: A detailed submission which states the application should be refused on grounds of adverse impact on character and appearance of area and on neighbour amenity.

Conflicts with national guidance, Development Plan policies and SPD design guidance which seek to protect character and appearance

Fails to respect local character in scale, bulk, form, design, spacing, frontage parking and lack of landscaping; unsympathetic to surroundings

Height, depth and bulk at rear would be overbearing and visually intrusive to neighbours and thereby conflict with national guidance, Development Plan policy and SPD design guidance

Addition of dwelling to housing stock does not justify harm

Letter 2: Consider a noise assessment including any necessary mitigation measures should be submitted for the LPA to be satisfied that future occupiers will have reasonable living conditions, application is for an additional dwelling not a one for one replacement, new development should not perpetuate existing substandard situation.

6.0 PLANNING POLICY CONTEXT

6.1 National Policy/Guidance

National Planning Policy Framework 2019

National Planning Practice Guidance

6.2 The Development Plan

6.3 Development Plan Document Core Strategy 2013

SP1 Creating sustainable development

SP2 Presumption in Favour of Sustainable Development

CS1 The supply of new homes

CS2 The location of new homes

CS22 Securing a high quality and accessible environment

CS25 Accessibility and parking

6.4 Site Allocations and Development Management Plan 2016

SADM3 Residential developments

SADM15 Sustainable drainage

SADM19 Waste storage in new development

SADM30 Design principles

SADM40 Highway and access criteria for new development

6.5 Draft Radlett Neighbourhood Plan 2019

The Radlett Neighbourhood Plan (RNP) was published on 12 November 2018 by Hertsmere Borough Council followed by a six week period in which interested parties may make representations. Paragraph 47 of the NPPF states that weight may (emphasis added) be given to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The Examiner's Report was formally submitted to the Council on 5th January 2020. The Report concludes that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to referendum. The Examiner also recommends that the referendum area should be the same as the designated Neighbourhood Area.

Having considered each of the recommendations made in the Examiner's Report and the reasons for them, the Council agrees with the recommendations in Examiner's Report. It has decided to modify the plan as per these recommendations. This decision was agreed by full Council on 26th February 2020.

The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the designated Neighbourhood Area. The Council has also considered this recommendation and the reasons for it, and has decided to accept it. The referendum area for the Radlett Neighbourhood Plan will therefore be based on the designated Radlett Neighbourhood Area.

The referendum was originally scheduled for 7th May 2020. However, the referendum has been postponed by Hertsmere's returning officer under powers granted by the Coronavirus Act 2020. A new referendum date will be confirmed in due course.

Officer comment:

The following policies are relevant and are given some weight due to the advanced stage of the adoption process.

Policy HD3 *Respecting and enhancing local townscape character* is relevant.

Policy HD4

6.6 Supplementary Planning Documents

Planning and Design Guide SPD Draft Revised Part D 2016

Parking Standards SPD 2014

7.0 ASSESSMENT AND REASONED JUSTIFICATION

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise'.

7.2 The proposal raises the following key issues:

- Principle of Development
- Design and Visual Appearance
- Residential Amenity
- Highways

- Standard of accommodation

Principle

7.3 Core Strategy policy SP1 states that *“all existing built up areas within urban settlements will be expected to accommodate opportunities which arise for meeting local housing, jobs growth and other development and service needs”*.

7.4 Core Strategy policy CS2, 'Location of new homes', gives priority to Borehamwood, Potters Bar and Bushey for new residential development, and also refers to locating at least 5% in Radlett and other suitable locations. The policy states that windfall developments such as that proposed in this application will be supported on appropriate sites in all towns subject to the local relationship with the surrounding pattern of development.

7.5 The principle of the development is therefore accepted. Whether the proposal is acceptable in detail is assessed below against the requirement of relevant Development Plan policies that development respects the character of its surroundings and the amenities of neighbours.

Design and visual appearance

7.6 The front elevation would generally align with the front building line of the neighbouring properties nos.29 and 33, though the proposed front projections would extend marginally forward of the line.

7.7 As summarised above, the changes from the previous application include a reduction in the ridge height of the proposed building. The proposed ridge height is now shown to match that of the neighbouring property to the north, no.33.

7.8 While the height has been lowered the overall depth of the building has not been reduced from previously. The reduction in ridge height, without a reduction in the depth of the building results in an appearance somewhat at odds with the neighbouring houses, which have shallower footprints and steeper roof pitches. Against that the building depth would not be apparent in the wider street scene, with views essentially restricted to those from close to the site across the gap between the new houses and no.29. In terms of the substantial rear single storey element, that would not impact the street scene and its potential impact on neighbours is considered below

7.9 The previous scheme included a single large dormer window extending across the rear roofslope of both houses. Two separate, smaller dormers rear dormers are now proposed. As noted by Aldenham Parish Council Part E of the Planning and Design SPD requires that dormers should take up no more than 60% of a roofslope. The two proposed dormers would occupy significantly less than 60%. Part E also requires dormers to be set in from main side walls by at least 0.5m and set away from the ridge and eaves by at least 0.3m. The proposed dormers are set further in, down and up respectively by more than required: 0.7m in from the sides, 0.4m up from the eaves and 1.2m down from the ridge.

7.10 Each proposed building was previously shown with a front dormer. These have been removed in the present scheme in accordance with design advice. Also at the front of the building the previous scheme showed each property with centrally positioned gabled front projections. The projections are now shown separated, at opposite ends of the houses, and would now have hipped rather than gabled roofs. This is also considered to marginally reduce the apparent massing of the building in the street scene.

7.11 It is noted that the road is characterised by generally good spacing between buildings. The Planning and Design Guide SPD requires that for infill developments *where there is significant separation between buildings proposals should ensure that all floors of buildings are located at least 2m away from the side boundary.*

The separation distances to the boundaries would be 1.2m on no.29's side and 1.7m on no.33's side. While these dimensions are below standard, the separation to no.29's main side wall would be 5.5m due to the intervening single storey side addition, and the separation to no.33's main side wall would be 2.75m.

7.12 In terms of retaining a 'sky gap' as required by guidance, those first floor separation distances are considered sufficient to avoid an unduly cramped appearance in the street scene. While the first floor width and bulk of building would be greater than currently exists, it is considered that the separation distances would ensure no significant visual harm resulted.

Parking

7.13 The comments of the parish council and local residents stating that the parking would dominate the frontage are noted. The reduction from the six spaces proposed in the previous scheme to the two spaces now proposed has however allowed room for increased planting immediately to the front of the houses, and for some planting to give a visual divide between each property's spaces. On balance it is considered that the extent of planting would be sufficient to avoid an overly hardsurfaced and unsightly frontage. A condition is proposed to reserve details of both soft landscaping and the nature of the hard surface materials.

Basement

7.14 Guidance is supportive of basements where no adverse impacts occur. The basement of each house would be set beneath the front of the properties, within the ground floor footprint, would provide a games room with storage, and would be subordinate in scale to the accommodation above. A small light well would be provided which would be set at a lower level to the parking area and have no impact on the street scene. The site is in flood zone 1 where basements are not resisted on drainage impact grounds, and there would be no implications for the rear garden, trees or parking provision.

7.15 Regarding concerns about potential effects on stability/foundations/subsidence, these are matters that would be dealt with under the Building Regulations. No development could occur without Building Regulations consent, a separate and additional requirement to the need for planning permission.

Conclusion

7.16 Overall, while accepting that the proposal would result in a building of greater massing and presence in the street scene than existing, it is not considered that significant harm would result to the established appearance, character and pattern of development of its surroundings. The proposal is considered to comply with relevant Development Plan policies in this respect.

Residential Amenity

7.17 At first floor the building would extend beyond the first floor rear building lines of both neighbouring houses. In the case of no.33, it would protrude a further 1.1m at first floor, which given the separation maintained between the buildings would not in officers' view create any significant impact on outlook or light currently experienced by these neighbours from rear windows and their rear garden. In the case of no.29, the building would protrude 2.8m beyond its first floor rear building line. This property has a single storey addition between its main side wall and the boundary however, giving a separation to the main wall of the new house of 5.5m. It is considered this is sufficient to prevent any significant adverse impact on light and outlook for rear windows, and while from this neighbour's rear garden there would be a more imposing presence of built form, it is not considered that any impact would be unacceptable, particularly given the garden's size and depth.

7.18 The 45degree line test to the edge of neighbours' nearest windows is shown on plan in the applicant's Design and Access Statement and the test does not appear, on plan, to be passed. However, the Design Guide SPD notes that a change in level can affect how the test is applied. The proposed rear single storey element of the building is substantial, extending to 5.2m, but this would replace an existing rear extension of similar depth adjacent to the boundary with no.33. The new building would be 0.9 m lower than the existing building, such that it is likely the relationship to no.33 at this point would be more neighbourly than the existing in terms of rear garden outlook. No.29 also has a single storey building adjacent to the boundary. This appears to be a garage, but in any case the new building would be set approximately 1m lower than the neighbouring structure.

7.19 Overall it is not considered that the neighbours' amenities in terms of outlook and light would be significantly harmed.

7.20 In terms of privacy, the introduction of the rear dormer windows would have some additional overlooking impact relative to existing views from rear first floor windows. While this is acknowledged it is not an unusual relationship in a suburban residential environment and it is not considered significant harm to amenity would result.

7.21 It is considered that the proposal is acceptable in terms of amenity impact and that the scheme complies with relevant Development Plan policies in that respect.

Highways

7.22 The Highway Authority raises no objection to the proposal. The Parking Standards SPD requires two spaces for a three bedroom house and the four spaces shown on the proposed layout meet the standard.

7.23 Cycling and waste storage provision are also shown to standard.

7.24 The proposal is considered to comply with relevant Development Plan policies in respect of highways.

Standard of accommodation

7.25 The properties would exceed the minimum standards set out in the Nationally Described Space Standards, and the garden areas would exceed the areas required by the Planning and Design SPD Revised Draft Part D 2016.

7.26 The proposed standard of accommodation is acceptable pursuant to relevant Development Plan policies.

Other matters

7.27 The comments of Environmental Health are noted. A condition is proposed to require submission of a noise impact assessment and implementation of any necessary mitigation measures.

7.28 Under Article 16 of the GDMO 2015 there is a requirement to notify a rail infrastructure manager of development within 10m of railway land. In this case the separation to the railway line far exceeds 10m.

7.29 Herts & Middx Trust made comments regarding the potential presence of bats. The applicant has submitted photographic evidence that there is no bat presence. In other similar cases Hertfordshire County Ecology have requested a condition be imposed requiring two suitable bird boxes capable of hosting the more common urban bat species be incorporated within the structure of the building on non-south facing walls. A condition and informative is proposed.

8.0 CONCLUSION

9.1 The comments of the Parish Council and residents have been carefully considered. However, it is considered that the proposed development is acceptable and that permission should be granted, subject to appropriate conditions.

9.0 RECOMMENDATION

9.1 Grant permission subject to conditions.

10.0 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the approved plans and drawings listed in this decision notice, other than where those details are altered pursuant to the conditions of this planning permission.

001	Site location plan
(02)004 RevA	Proposed site plan and roof plan
(02)005 RevA	Proposed plans and elevations
(02)006	Proposed side elevation

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to construction work commencing details of all materials to be used for the external walls and roof of the building shall be submitted to and approved in writing by the local authority, and the work shall be carried out in full accordance with the approved details.

Reason: To ensure a high quality appearance and to comply with policy CS22 of the Core Strategy 2013 and policy SADM30 of the Site Allocations and Development Management Policies Plan 2016.

4. Prior to any construction work commencing details of all hard and soft landscaping including the following:

- Hard surface materials, including details of sustainable drainage measures
- Soft landscaping to front and rear gardens
- Boundary treatments

shall be submitted to and approved in writing by the local planning authority.

All planting shall occur during the first available planting season following completion of the relevant phase of the development hereby approved. Any trees and shrubs planted in accordance with the landscaping scheme which, within 5 years of planting are removed, dying, seriously damaged or become diseased shall be replaced in similar positions by trees and shrubs of similar species and size to those originally planted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a high quality design and appearance and to comply with Policy CS22 of the Core Strategy 2013 and policy SADM30 of the Site Allocations and Development Management Policies Plan 2016.

5. The windows to be created in the first floor side elevations of the building hereby approved shall be in fully obscure glass (to Pilkington Level 3 or equivalent) and non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: To satisfactorily protect the residential amenities of adjacent occupiers and to comply with policy CS22 of the Core Strategy 2013 and policy SADM30 of the Site Allocations and Development Management Policies Plan 2016.

6. Prior to occupation of the dwellings hereby permitted, details of the design and location of two suitable bird boxes to be attached to the building shall be submitted to and approved by the local planning authority, and these shall have been installed as approved and retained as such thereafter. These should be incorporated within the structure of the building on non-south facing walls.

Reason: To ensure no detriment to protected species arises and to comply with Development Plan policy CS12 of the Core Strategy 2013 and policy SADM10 of the Site Allocations and Development Management Policies Plan 2016.

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (or any Order revoking or re-enacting that Order) there shall be no enlargement or extension of the dwellings hereby permitted, including any additions or alterations to the roof without the prior written approval of the local planning authority.

Reason: To enable the local planning authority to retain control over future development at the site in the interests of the amenities of neighbours and visual amenity and to comply with Core Strategy policy SP1.

8. Prior to occupation of the dwellings hereby approved a noise impact assessment shall be submitted to and approved in writing by the local planning authority and any necessary mitigation measures identified in that assessment shall have been implemented.

Reason: To ensure a good standard of accommodation for future occupiers by ensuring that potential noise impact is satisfactorily addressed and to comply with Core Strategy policy CS22 and Site Allocations and Development Management Policies policy SADM30.

GENERAL REASON FOR GRANTING PERMISSION

The proposed development is considered to comply with the provisions of the Development Plan, comprising the Hertsmere Core Strategy 2013 and Site Allocations and Development Management Policies 2016, and is considered acceptable in light of this and all other material considerations.

INFORMATIVES

01. Planning permission has been granted following discussions with the applicant to secure amendments to enable a satisfactory scheme to be achieved. The scheme has been found to be acceptable and permission is accordingly granted. The Council has thereby been proactive and positive in accordance with the National Planning Policy Framework.
02. To obtain advice regarding current Building Regulations please contact Hertfordshire Building Control Ltd. by emailing us at buildingcontrol@hertfordshirebc.co.uk or phoning us on 01438 879990
03. Pursuant to condition 6 advice should be taken on from an appropriately qualified and experienced ecologist or Natural England.

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Case Officer Details

Mick Gavin - email address michael.gavin@hertsmere.gov.uk