

31 January 2024

Planning Department  
Three Rivers District Council  
Three Rivers House  
Northway  
Rickmansworth  
Hertfordshire  
WD3 1RL

Our Ref: 4085  
Planning Portal ref: PP-12765266

Dear Sir/Madam,

Part retrospective planning application for the installation of a vehicular crossover, enlarged driveway, new boundary railing topped walls and gates with associated landscaping works.

82A Toms Lane, Kings Langley, WD4 8NL

Smith Jenkins Planning & Heritage act as agents for our clients, Mr and Mrs Milone, (the 'Applicant'), regarding the abovementioned proposal at 82A Toms Lane, Kings Langley, WD4 8NL (the 'Site').

The application comprises the following documents:

- This letter;
- Application forms (duly completed);
- Site location plan and block plan (drg no. 24/233/01)
- Proposed site plan (drg no. 24/233/02)
- Existing and proposed elevations, proposed vehicle access gates and pedestrian gate (drg no. 24/233/03)
- Existing and proposed section (drg no. 24/233/04)
- Existing site plan (drg no. 24/223/05)
- Biodiversity checklist (duly completed); and
- CIL Form 1 (duly completed)

The remainder of this letter will set out the Site's surroundings; relevant planning history; and description of the proposed development, before providing a brief assessment of the scheme against relevant planning policy.

### Site description

The Site is comprised of the dwelling known as 82A Toms Lane and its associated residential curtilage.

The northern part of the Site contains the principal dwellinghouse, which is set back from the highway (Toms Lane). Between the highway and the dwelling is the property's front garden and associated parking area. The boundary with the highway is demarcated by a railing topped wall and associated access gates. The southern part of the Site contains the property's generous rear garden. The Site also include a detached outhouse located adjacent to the north-eastern boundary. The levels within the Site drop from north to south.



Figure 1: Extract from the site location plan. The Site is edged in red.

The Site is located within the Metropolitan Green Belt, as outlined in the Three Rivers Core Strategy (the 'Core Strategy') (adopted 2011).

## Relevant planning history

The Site's planning history is set out below.

18/0536/FUL – Installation of new vehicle cross over and extension to drive to create carriage drive – Permitted 15.05.2018

17/1332/CLPD - Certificate of Lawfulness Proposed Development: Single storey rear extension – Permitted - 22.08.2017

17/1308/FUL - Conversion of existing outbuilding into ancillary accommodation including side extension and alterations to roof – Permitted – 22.08.2017

17/1009/PDE - Prior Approval: Single storey rear extension (depth 8 metres, maximum height 4 metres and eaves height 2.49 metres) – No objection - 13.06.2017

17/0991/CLPD - Certificate of Lawfulness Proposed Development: Proposed single storey side extension, enlarged rear dormer and front rooflights – Permitted - 12.07.2017

05/0002/FUL - Two storey and single storey rear extension – Permitted

With regard to the current proposals, the most relevant part of the Site's planning history concerns the permission granted under 18/0536/FUL. 18/0536/FUL granted planning permission for several aspects of the development that are proposed by this current application, including the creation of a vehicle crossover and an extension to the property's driveway. As will be explained in further detail below, the development granted consent under 18/0536/FUL was, in part, built out by the Applicant.

## Description of the proposed development

The proposed development consists of the installation of a vehicular crossover, enlarged driveway, new boundary railing topped walls and gates with associated landscaping works.

The crossover would be located to the west of the Site's boundary with Toms Lane and would provide convenient access to the rear garden via an existing gravel track. The works to the driveway consist of widening the area of hardstanding to accommodate additional car parking spaces. The railing topped boundary walls and gates are situated to the front of the Site and form a new boundary arrangement between the Site and Toms Lane. They replace the 1.8 metre high close board fence that previously formed the boundary between the Site and the highway. The gates reach a maximum height of approximately 1.6 metres, while the tallest part of the wall, the piers at either side of the gated pedestrian access, measure approximately 2.2 metres in height. Landscaping works to the property's front garden are necessary to ensure that the dwelling is suitably accessible from the driveway.

The application seeks 'part retrospective' planning permission as several aspects of the proposals have already been built out. In particular, the enlarged driveway, boundary treatments and landscaping works are in situ. The proposed vehicular crossover, and associated measures to ensure there is no overspill of gravel onto Toms Lane, haven't been implemented.

As alluded to above, the central purpose of the current application is to reconcile, and obtain permission for, the differences between the development the Applicant has built out and the development granted consent under 18/0536/FUL. These differences are summarised below:

- Extent and shape of the enlarged driveway;
- Extent of landscaping works; and
- Provision of railing topped boundary walls and gates

The provision of measures to prevent the overspill of gravel onto the highway at both the existing and proposed vehicle crossovers have been proposed to address condition 3 of the planning permission granted under 18/0536/FUL, and to avoid the need to replicate this condition on any consent afforded to the current application.

A comparison of the proposed site plan approved under 18/0536/FUL and the site plan proposed under this current application is set out at Figure 2 below.

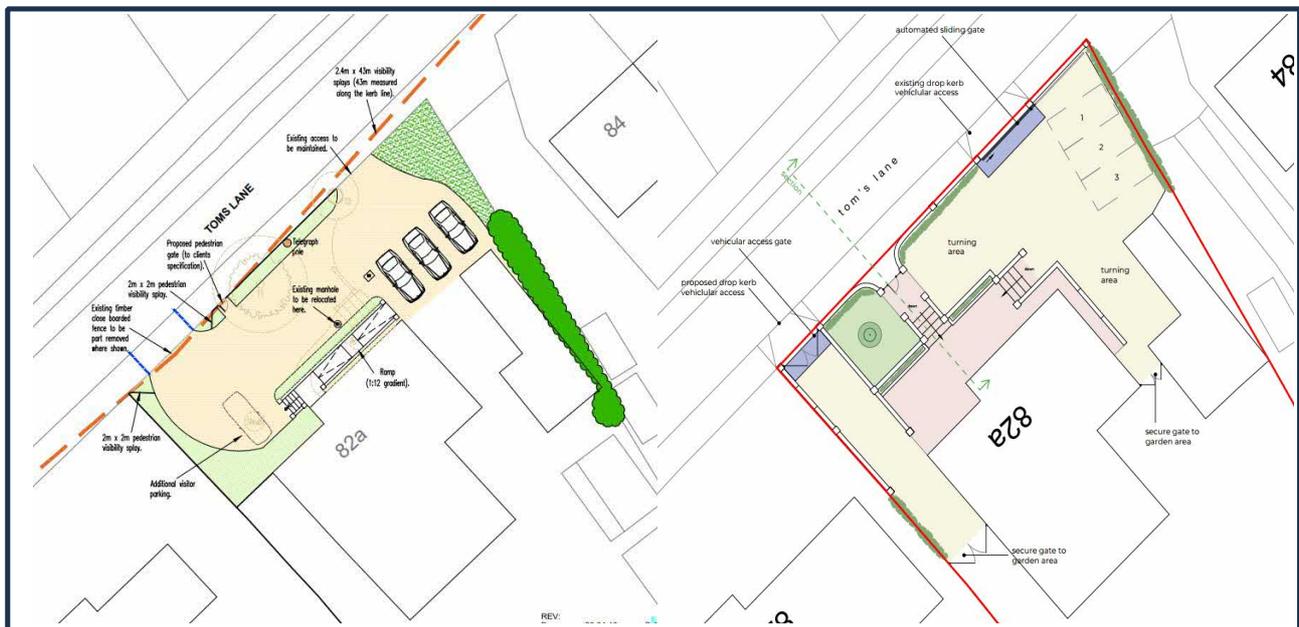


Figure 2: Side by side comparison of the site plan approved under 18/0536/FUL and the current, proposed site plan.

## Planning assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicates otherwise.

The development plan in this instance comprises the Core Strategy and the Development Management Policies Local Development Document (adopted 2013) ('LDD'). 'Material considerations' can include the National Planning Policy Framework (2023) ('NPPF') and any adopted supplementary planning documents.

Set out below is an assessment of the proposed development against the development plan and any other relevant material considerations.

It is noted that the pre-submission version of the Abbots Langley Neighbourhood Plan was published 12<sup>th</sup> July 2023. We are unaware of further updates regarding the status of the plan. Given the status of the Neighbourhood Plan, the published version is deemed to possess very limited weight in planning terms. Indeed, it is noted that the LPA's own officers are not referencing the plan in their delegated reports when assessing planning applications within the neighbourhood plan area.

## Principle of development

The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and permanence. The Framework identifies that there are five purposes that the Green Belt serves:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

With respect to development in the Green Belt, the NPPF sets out that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Save the exceptions set out at paragraph 154 (a-g) of the Framework, the NPPF states out that the construction of new buildings in the Green Belt should be treated as inappropriate development.

Included within the aforementioned exceptions is “the replacement of a building provided that the new building is in the same use and not materially larger than the one it replaces” (paragraph 154(d)).

The policy objectives set out in the NPPF in regard to the Green Belt are reiterated by policy DM2 of the LDD and policy CP11 of the Core Strategy.

The Site is located within the Metropolitan Green Belt. Whilst the NPPF and development plan restrict the forms of development that are acceptable in the Green Belt, the scheme is considered acceptable in light of the exceptions set out in the Framework.

With respect to the proposed railing topped walls and gates, this aspect of the application is deemed to align with the exception set out at paragraph 154(d) of the NPPF. The walls/gates have replaced the 1.8 metre high close board fence that previously formed the boundary treatment between the Site and Toms Lane. For the avoidance of doubt, officers should treat both the walls/gates and fence as ‘buildings’ as per the definition set out at section 336 of the Town and Country Planning Act 1990.

Whilst the piers of the wall sit higher than the 1.8 metres, the rest of the railing topped wall and new gates are lower than 1.8 metres. Therefore, taken as a whole, it is clear the replacement walls/gates are not ‘materially larger’ than the fence that they have replaced. Moreover, the open design of the gates and railings possesses a greater degree of visually permeability compared to the close board fence, and thus represent an enhancement to the ‘openness’ of the Green Belt. Screenshots from Google Streetview showing the previous and current boundary arrangements are shown at Figures 3 and 4 below.



Figure 3: Google Streetview image showing previous boundary arrangement with close board fence.



Figure 4: Google Streetview image showing current boundary arrangement with railing topped walls and gates.

The other aspects of the scheme, including the landscaping, enlarged driveway and additional vehicular access have no adverse impact on the openness of the Green Belt. The LPA have previously granted permission for an enlarged driveway and the works undertaken by the Applicant only marginally err from the extent of hardstanding permitted by the consent associated with 18/0536/FUL.

The other aspects of the landscaping works are also minimal and, owing to the drop in levels from the road, are not readily perceptible or incongruous within the context of the street scene. Therefore while there is no explicit 'exception' set out in the Framework under which these works can be categorised, it is deemed that they're acceptable in principle. Indeed, the Courts<sup>1</sup> have held that 'appropriate development', in Green Belt terms, can be categorised as development which is not harmful to Green Belt openness or the purposes of including land within it. The landscaping works, access and driveway align with this definition.

For these reasons the proposed development is acceptable in principle, subject to consideration of all other planning matters. The proposals do not harm the openness nor purposes of the Green Belt and the proposed railing topped walls and gates form an exception to new buildings in the Green Belt as set out in paragraph 154(d) of the Framework. The application therefore accords with the NPPF and relevant policies of the development plan in this regard.

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<sup>1</sup> Timmins v Gedling Borough Council [2014] EWHC 654 (Admin).

## Design and impact on the character and appearance of the area

Policy CP1 of the Core Strategy states that all development in Three Rivers will need to promote buildings of a high, enduring quality. Policy CP12 of the Core Strategy concerns the design of development and sets out several criteria that development is expected to accord with. Included within this criteria is the requirement to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

Appendix 2 of the LDD sets out design criteria for residential development that aims to ensure that alterations do not lead to a gradual deterioration in the quality of the built environment.

The proposals possess an acceptable design and would not harm either the character or appearance of the area.

The materials utilised by the Applicant are of high quality, whilst also being sensitive to the architectural characteristics of the locality. There are several examples of boundary walls of a similar scale in the locality, including at 80 Toms Lane, which neighbours the Site to the west. The style of bricks used by the Applicant have also been used at 80 Toms Lane, while red bricks in general are common throughout Toms Lane. Indeed, the current boundary arrangements are far more sympathetic to the character of the area than a 1.8 metre high wooden fence would otherwise be.



Figure 5: Google Streetview image of 80 Toms Lane.

Whilst the enlarged drive has reduced the quantity of soft landscaping within the Site's front garden, it should be noted that much of this area would have previously been shielded from view from the street by the aforementioned fence. Moreover, the Applicant has implemented new planting which is

visible through the railings on top of the boundary wall. This planting softens the appearance of the new boundary treatment and contributes positively towards the character of the locality.

For these reasons it is considered that the proposed development is acceptable in regard to its design and its impact on the character and appearance of the area. Overall, the proposals would contribute positively to the street scene by deploying sympathetic materials and safeguarding the character of the locality.

#### Impact on residential amenity

Policy CP12 of the Core Strategy requires that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

Appendix 2 of the Development Management Policies LDD advises that development should not result in loss of light to the windows of neighbouring properties and should not be excessively prominent in relation to adjacent properties.

The proposed development does not prejudice or harm the amenity of either the host dwelling or neighbouring properties. The differences between the development approved under 18/0536/FUL and that which is presented in this current application do not make the development harmful in terms of its impact on residential amenity. There would be no impact on the amount of light received by nearby properties or their privacy. Moreover, the railing topped walls and gates are not of a scale which would make them visually intrusive when viewed from the surrounding residential properties.

For these reasons it is considered that the development is acceptable in regard to its impact on residential amenity. Therefore, the application accords with the relevant development plan policies in this regard.

#### Parking and other highway matters

Policy DM13 of the LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5.

The NPPF states that in assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users.

The application is deemed acceptable in terms of parking and other highway matters.

In terms of access, the LPA have previously granted permission for the additional vehicular access to the west of the Site. It is not considered that there have been any changes to the circumstances that were present at the time of the previous application being approved which might otherwise render the access unacceptable now. It continues to be prohibited to park on the section of kerb that would

be 'dropped' to facilitate the access, which means that there would be no loss of 'on-street' parking. In addition, no significant developments have been approved in the locality which might make the use of a second access into the Site less practicable. As referenced above, the Applicant has committed to utilising measures at either access to prevent the overspill of gravel onto the highway.

In terms of parking, the proposals broadly provide the same quantity of car parking space as the previous scheme (18/0536/FUL). Whilst the carriage arrangement presented under the previous scheme has been dropped, the enlarged width of the driveway compensates for this, and ensures that vehicles will have sufficient space within the Site to turn around before exiting the Site in a forward gear.

For these reasons it is considered that the development is acceptable in regard to parking and other highway matters, including access. Therefore, the application accords with the relevant development plan policies in these regards.

#### *Other matters*

A biodiversity checklist has been submitted with this application. The checklist confirms that a Biodiversity Survey and Assessment is not required. Due to the type of works proposed, the application would result in any harm to any protected species.

#### **Conclusions**

This letter has been prepared by Smith Jenkins Planning & Heritage on behalf of the Applicant, Mr and Mrs Milone, regarding the submission of a part retrospective, full planning application for the installation of a vehicular crossover, enlarged driveway, new boundary railing topped walls and gates with associated landscaping works at 82A Toms Lane, Kings Langley, WD4 8NL.

This letter has demonstrated that the proposal is acceptable in regard to the relevant policies within the development plan. Therefore, in the absence of any other material considerations which suggest otherwise, we respectfully request that the LPA grant consent for the proposed development.

Yours faithfully



**Chris Walton MRTPI**

Principal Planner