

**8. 18/0320/FUL Partial demolition of existing dwelling and construction of two storey rear extension and single storey rear extension; subdivision of site and construction of one new five bedroom detached dwelling with basement level and detached double garage and extension to existing hardstanding at RED HOUSE, DOG KENNEL LANE, CHORLEYWOOD, HERTS, WD3 5EL (DCES)**

Parish: Chorleywood  
Expiry of Statutory Period: 30 April 2018

Ward: Chorleywood North and Sarratt  
Case Officer: Suzanne O'Brien

Recommendation: That Planning Permission be Granted subject to the completion of a Section 106 Agreement to Secure a Contribution toward Affordable Housing.

Reason for consideration by the Committee: The application has been called in by Chorleywood Parish Council.

**1. Relevant Planning History**

- 1.1 Demolition of existing two storey side extension and construction of two detached dwellings to the rear with associated access, parking and landscaping – Refused – 22.09.2017

The application was refused for the following reasons:

R1 The proposed development by reason of its design and layout would result in a contrived and urbanising form of development that would have a detrimental impact on the visual amenities and character and appearance of the Chorleywood Common Conservation Area and Dog Kennel Lane. The proposal would be contrary to Policies CP3 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Chorleywood Common Conservation Area Appraisal (2010).

An appeal is in progress in relation to this application.

**2. Description of Application Site**

- 2.1 The application site contains a large detached dwelling located in a spacious plot within the Chorleywood Common Conservation Area. The dwelling is sited close to the northern boundary of the plot and is surrounded by amenity space to the west, south and east. The land levels of the site drop in a north to south direction. The trees within the site are protected by virtue of the Conservation Area status of the land. The site is enclosed by high dense vegetation screens to the south. The northern boundary consists of a mixture of close boarded fencing and vegetation screens.
- 2.2 Dog Kennel Lane is a private road that contains a number of detached properties which range in architectural style. Dog Kennel Lane was originally characterised by generous sized buildings on large plots. However, a number of properties have been subdivided including The Lodge to the south of the site, The Walled Garden to the east of Dog Kennel Lane and planning permission has recently been granted for a detached dwelling at Old Meadows (17/1756/FUL) to the north west. Notwithstanding this, Dog Kennel Lane remains varied in terms of architectural style and through the sporadic layout of the built form. The irregular layout contributes to the character of Dog Kennel Lane and provides a sense of spaciousness where the varied design and layout of buildings contribute to the open and rural character and appearance of the Chorleywood Common Conservation Area. The generous size of the existing plot serving The Red House also significantly contributes to the open and rural character of the Chorleywood Common Conservation Area. The property sits at an elevated position in relation to Old Meadows and Constable Cottage thus there are views of the site from elevated points along The Common.

- 2.3 The front elevation of Old Meadows to the north west faces the front elevation of the application dwelling. Old Meadows and the application site share a vehicular access leading off of Dog Kennel Lane. The rear boundary of the site is stepped and runs alongside the flank and rear boundaries of Holly Cottage. The northern boundary of the site adjoins Cedars Village and the dwellings along Badgers Walk face the flank boundary of the site. The neighbouring properties to the south front Dog Kennel Lane and the flank boundary of the site. The rear portion of the site is covered by a Tree Protection Order.

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

- 3.1 This application seeks full planning permission for the partial demolition of the existing dwelling and construction of a two storey rear extension and single storey rear extension; subdivision of the site and construction of one five bedroom detached dwelling with basement level and detached garage and extension to existing hardstanding.
- 3.2 The existing site would be subdivided. The proposed site would have a maximum width of 48m reducing to a minimum width of 30m and a maximum depth of 43m. The plot serving the original dwelling would have a maximum width of 52m and depth of 44m. The proposed dwelling would be sited 21.6m from the proposed rear elevation of the existing dwelling, set in 10m from the proposed subdividing boundary, set back 12m from the northern boundary, in 18m from the southern boundary and a minimum of 2.2m from the south east boundary. The proposed dwelling would have a maximum width of 18.8m, depth of 13.1m and height of 7.8m. The dwelling would have two storey projections along the flanks and the central aspect would be served by pitched roof dormers at first floor level which cut through the eaves. The front elevation would face in a northern direction and would contain a cat slide feature to the north west with one dormer window. The proposed dwelling would have a crown roof. The proposed development would include a basement that would cover the full footprint of the dwelling. The basement would be served by an external stair well and light well along the north west aspect and light well along the northern elevation.
- 3.3 The works to the existing dwelling would consist of the demolition of the existing two storey side extension along the north east elevation of the dwelling. The proposed two storey rear extension would be constructed in line with the retained north east elevation. It would have a maximum depth of 2.4m at ground floor and 5.4m at first floor level to the northern aspect and a width of 4.9m. The proposed extension would have a pitched roof set down from the main ridge of the dwelling with a height of 7.4m. The single storey rear extension would be constructed in line with the southern elevation of the dwelling and would have a depth of 6m, width of 10.3m and height of 3.4m. Fenestration would be inserted within the side and rear elevations of the dwelling and extension.
- 3.4 The proposed access road serving the dwelling would run alongside the northern boundary leading off of the existing parking area. An area of hardstanding would be constructed to the front of the proposed dwelling and the existing drive would serve the original dwelling. The existing swimming pool would be removed and the terrace to the south of the existing dwelling would be extended. The proposed dwelling would be served by terracing to the sides and rear.
- 3.5 A pedestrian access leading from Dog Kennel Lane would serve the proposed dwelling and individual bin stores would be provided to serve both units.
- 3.6 The plans have been amended reducing the width of the proposed dwelling by 1.2m and the amount of hardstanding. The detached garage has also been removed from the plans as no elevation were provided.

### **4. Consultation**

- 4.1 Statutory Consultation

#### 4.1.1 Chorleywood Parish Council: [Objects]

The Committee had Objections with this application on the following grounds and wish to CALL IN unless the Officers are minded to refuse this application.

- The impact on the neighbours
- Overdevelopment within the Conservation Area
- Concern with noise impact and pollution
- The property is located within the Common Conservation Area Policy DM3. The proposed is not i) vi) of the Development Management Policies LDD (adopted July 2013)
- Concerns for the trees
- Concerns due to the planning history of this property.

#### 4.1.2 Conservation Officer: [Objects]

This proposal has been amended further to 17/1588/FUL. Previous comments were:

“The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving the setting of a listed building and also special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

National Planning Policy Framework sets out objectives for protecting and enhancing the historic built environment. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on a designated heritage asset, such as a Conservation Area, great weight should be given to the asset’s conservation.

Policy DM3 of the Development Management Policies LDD (2013) sets out the criteria for demolition within a Conservation Area.

Within Conservation Areas permission for development involving demolition or substantial demolition will only be granted if it can be demonstrated that:

- i) The structure to be demolished makes no material contribution to the special character or appearance of the area; or,
- ii) It can be demonstrated that the structure is wholly beyond repair or incapable of beneficial use; or,
- iii) It can be demonstrated that the removal of the structure and its subsequent replacement with a new building and/or open space would lead to the enhancement of the Conservation Area

The application dwelling is located within the Chorleywood Common Conservation Area. The open and rural nature is a prominent characteristic of the Conservation Area formed by the openness of the common.

It would be difficult to argue that the property makes no material contribution to the special character or appearance of the area, and it is not wholly beyond repair or incapable of beneficial use. It is, therefore, criteria iii) of the above policy that needs to be considered. Can it be demonstrated that the removal of the structure and its subsequent replacement with a new building would lead to the enhancement of the Conservation Area?

There have been some alterations to the property in the past, and therefore the historic form of the original house has been compromised to an extent. Even so, it needs to be demonstrated that the replacement dwellings will enhance the character and appearance of the Conservation Area.

Policy DM3 of the Development Management Policies LDD (2013) also sets out the criteria against which proposals within Conservation Areas will be permitted.

Within Conservation Areas development will only be permitted if the proposal:

- i) Is of a design and scale that preserves or enhances the character or appearance of the area
- ii) Uses building materials, finishes, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context
- iii) Retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges
- iv) Retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention
- v) Does not harm important views into, out of or within the Conservation Area
- vi) Protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area
- vii) Results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.

The Chorleywood Common Conservation Area Appraisal states that it is important to maintain views within, into and out of the Common. These views should not be disturbed by inappropriate forms of development. The Appraisal highlights views along the eastern boundary of the Common along Dog Kennel Lane as interesting due to the changes in topography. The landscape to the east of Dog Kennel Lane contains a mixture of residential dwellings which are partially obscured from view by vegetation. The sporadic layout of these buildings maintains the open nature of the Conservation Area. The proposed erection of four dwellings in a uniform line of repetitive design will detract from this sporadic layout and negatively impact on these important views and the open nature of the Conservation Area. There will be a cumulative effect on the open and rural character of the area together with the existing modern buildings which are described in the Conservation Area Appraisal as not being considered characteristic of the Conservation Area in appearance, scale or materials.

The replacement dwellings are not considered to enhance the character and appearance of the Conservation Area, therefore the demolition of the existing property should be resisted. The proposal will, therefore, have an adverse impact on the character and appearance of the street scene and views within the Conservation Area, failing to meet the criteria set out in policy DM3."

The buildings in this Conservation Area are not the only important elements of character. The Conservation Area Appraisal outlines the importance of open space and I would highlight this.

DM3 (iii)

Retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges

Although the amount of new development has been reduced, I consider that the open space around Red House is indicative of the pervading and permeating open character of the Conservation Area and I would therefore still object.

The DAS mentions other nearby permissions, although I consider that the cumulative impact of this additional development would be overwhelmingly negative.

It is now proposed to retain Red House and extend it sympathetically and I would not object to this.

- 4.1.3 Herts Ecology: No comments received.
- 4.1.4 Herts and Middlesex Wildlife Trust: No comments received.
- 4.1.5 Landscape Officer: No comments received to date;  
Members will be verbally updated of any comments received.
- 4.1.6 Herts Highways Authority: [No objections]

#### Decision

Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

#### HIGHWAY INFORMATIVE:

Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:

AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

#### COMMENTS / ANALYSIS:

The application comprises of alterations to the existing dwelling and the erection one new dwelling at The Red House, Dog Kennel Lane, Chorleywood. The stretch of Dog kennel Lane where the property is located is a private road and not highway maintainable at public expense. The nearest highway maintainable at public expense is approximately 120m from the proposals where the private access road has a junction with the adopted section of Dog Kennel Lane.

#### VEHICLE ACCESS / PARKING:

There is no new or altered access and vehicles will use the existing access from Dog Kennel lane. The layout of the proposal is shown on submitted plan no. KDK-543-PL-20 and includes the provision of two driveways which would enable vehicles to turn around and egress to Dog Kennel Lane in forward gear. HCC as Highway Authority considers the

arrangements and provision for parking to be acceptable. Three Rivers District Council (TRDC) is the parking authority for the district and therefore should ultimately be satisfied with the parking provision.

Furthermore the vehicular visibility at the junction of the private road and the nearest highway is adequate and in accordance with guidelines in Roads in Hertfordshire; A Design Guide and Manual for Streets (MfS).

#### EMERGENCY VEHICLE ACCESS:

The access arrangements would enable emergency vehicle access to within 45 metres from all dwellings from Dog Kennel Lane. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses.

#### REFUSE / WASTE COLLECTION:

Provision has been made for on-site bin/refuse storage store within 30m of the dwelling and within 25m of the kerbside/bin collection point and a collection location for each dwelling as shown on drawing no. KDK-543-PL-20). The collection method / arrangements must be confirmed as acceptable by TRDC waste management.

#### TRAFFIC GENERATION & IMPACT ON THE ADJACENT HIGHWAY:

The proposal is a small scale residential development located some distance from the nearest highway maintainable at public expense. The traffic generation of vehicles and impact on the local highway network would be considered to not be significant or detrimental.

#### SUSTAINABILITY & ACCESSIBILITY:

The site lies on the edge of Chorleywood Common approximately 2.5km (by car) and 1.3km (on foot) from Chorleywood railway station and the village centre amenities. There are no pedestrian footways along Dog kennel Lane and therefore pedestrian accessibility is limited along the road, although there is a network of public footpaths across the common providing access to the Chorleywood town centre. Provision has been made for cycle storage on site and there is potential to commute to the centres of both Chorleywood and Rickmansworth by bike.

#### CONCLUSION:

HCC as Highway Authority has considered that the proposal is of a small scale and would not have an unreasonable impact on the safety and operation of the nearest highway. Therefore HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative.

4.1.7 Thames Water: No comments received.

4.1.8 Affinity Water: No comments received.

4.1.9 Herts Property Services: [Advice]

I refer to the above mentioned application and am writing in respect of planning obligations sought by the County Council towards fire hydrants to minimise the impact of development on Hertfordshire County Council Services for the local community.

Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit. We reserve the right to seek Community Infrastructure Levy contributions towards the provision of infrastructure as outlined in your R123 List through the appropriate channels.

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. HCC therefore seek the provision of hydrants required to serve the proposed buildings by the developer through standard clauses set out in a Section 106 legal agreement or unilateral undertaking.

Buildings fitted with fire mains must have a suitable hydrant provided and sited within 18m of the hard-standing facility provided for the fire service pumping appliance.

The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22). In practice, the number and location of hydrants is determined at the time the water services for the development are planned in detail and the layout of the development is known, which is usually after planning permission is granted. If, at the water scheme design stage, adequate hydrants are already available no extra hydrants will be needed.

Section 106 planning obligation clauses can be provided on request.

#### Justification

Fire hydrant provision based on the approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link: [www.hertsdirect.org/planningobligationstoolkit](http://www.hertsdirect.org/planningobligationstoolkit)

The County Council seeks fire hydrant provisions for public adoptable fire hydrants and not private fire hydrants. Such hydrants are generally not within the building site and are not covered by Part B5 of the Building Regulations 2010 as supported by Secretary of State Guidance "Approved Document B".

In respect of Regulation 122 of the CIL Regulations 2010 the planning obligations sought from this proposal are:

(i) Necessary to make the development acceptable in planning terms.

Recognition that contributions should be made to mitigate the impact of development are set out in planning related policy documents. The NPPF states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Conditions cannot be used cover the payment of financial contributions to mitigate the impact of a development (Circular 11/95: Use of conditions in planning permission, paragraph 83).

All developments must be adequately served by fire hydrants in the event of fire. The County Council as the Statutory Fire Authority has a duty to ensure fire fighting facilities are provided on new developments. The requirements for fire hydrant provision are set out with the Toolkit at paragraph 12.33 and 12.34 (page 22).

(ii) Directly related to the development;

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

(iii) Fairly and reasonable related in scale and kind to the development.

Only those fire hydrants required to provide the necessary water supplies for fire fighting purposes to serve the proposed development are sought to be provided by the developer. The location and number of fire hydrants sought will be directly linked to the water scheme designed for this proposal.

I would be grateful if you would keep me informed about the progress of this application so that either instructions for a planning obligation can be given promptly if your authority is minded to grant consent or, in the event of an appeal, information can be submitted in support of the requested provision.

#### 4.1.10 National Grid: [Advice]

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588.

## 4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 44 No responses received: 10 (9 objecting; 1 in support)

4.2.2 Site Notice: Expired 10 April 2018 Press notice: Expired 6 April 2018

### 4.2.3 Summary of Responses:

#### Objections:

- The trees close to the boundary are protected by Tree Preservation Order TPO013; the proposed access road would impact on the long term health and longevity of the protected trees along the boundary;
- The addition of a dwelling would have a detrimental impact on the visual amenities and character of the Conservation Area and Dog Kennel Lane
- Would like confirmation that a tree screen would be maintained and question whether adequate root protection zones have been demonstrated;
- Impact on noise and fumes during construction and subsequent occupation;
- Mains supplies to Cedars Village cross the application site;
- New access would put security of neighbouring properties at risk;
- The area of Dog Kennel Lane is beautiful, peaceful and historic area which should remain so the infill development would impact on this;
- Development would add congestion along Dog Kennel Lane;
- The bulk of the extension to the original dwelling and new dwelling would represent overdevelopment of the site;

- Any further development would in addition to recent permissions would have an adverse impact on neighbouring property;
- Overshadowing;
- Too close to boundary;
- Impact on wildlife;

In support:

- Plot is of adequate size to accommodate development and will not be visible from the Common;
- Extension of previous extension would aid long term health of trees, improve openness, returns main elevation of the Red House to its original design, reduces overlooking of neighbouring properties;
- Cedars Estate may wish to reinstate secondary hedgerow which has recently been removed and development would result in planting of new dividing hedge.

## **5. Reason for Delay**

5.1 Committee Cycle.

## **6. Relevant Planning Policy, Guidance and Legislation**

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF) and 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 states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. 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.

6.2 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 PSP2, CP1, CP2, CP3, CP4, CP8, 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, DM4, DM6, DM8, DM9, DM10, DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Policy SA1 is relevant.

### 6.3 Other

The Chorleywood Common Conservation Area Appraisal (adopted February 2010) is also relevant to this application.

Affordable Housing Supplementary Planning Document (adopted June 2011).

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 Principle of Development

7.1.1 The proposed development would result in a net gain of one dwelling. The site is not identified as a housing site in the Site Allocations LDD (SALDD). However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

7.1.2 Policy CP2 of the Core Strategy advises that in assessing applications for development not identified as part of the District's housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:

- i. The location of the proposed development, taking into account the Spatial Strategy.
- ii. The sustainability of the development and its contribution to meeting local housing needs.
- iii. Infrastructure requirements and the impact on the delivery of allocated housing sites.
- iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

7.1.3 The application site is within Chorleywood which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that the main emphasis for future development is within the existing urban area through development of previously developed land and appropriate infilling opportunities within the Key Centres followed by development at the most sustainable locations on the edge of existing settlements. This is supported by Policy PSP2 of the Core Strategy which advises that the Key Centres including Chorleywood will provide approximately 60% of the District's housing requirements over the plan period.

7.1.4 The proposed new dwelling would be located on garden land which does not fall under the definition of previously developed land and the NPPF stipulates that residential gardens should not be included within windfall site allowances when determining future housing supply. The NPPF further clarifies that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. Thus, as identified within the NPPF development of garden land is not prohibited provided it would not cause harm to the local area.

- 7.1.5 Given the location of the site within a Key Centre and that it would constitute infilling within a predominantly residential area, there is no in principle objection to residential development of the application site in relation to the requirements set out in Core Strategy Policy CP2, however this is subject to assessment against other material considerations as discussed below.
- 7.2 Housing Mix
- 7.2.1 Core Strategy Policies CP1 and CP3 require new development to contribute a range of house types and sizes to reflect needs. Core Strategy Policy CP3 also seeks to cater for a range of housing needs which should include provision of housing for the elderly and supported and specialist accommodation.
- 7.2.2 Policy CP3 of the Core Strategy also sets out proportions that should form the basis for the housing mix of development and indicates that proposals should broadly be for 30% 1-bedroom units, 35% 2-bedroom units, 34% 3-bedroom units and 1% 4-bedroom units. However, the most recent SHMA, published in January 2016 identified the indicative targets for market sector dwelling size within Three Rivers District as:
- 1 bedroom 7.7% of dwellings
  - 2 bedrooms 27.8% of dwellings
  - 3 bedrooms 41.5% of dwellings
  - 4+ bedrooms 23.0% of dwellings
- 7.2.3 The proposed development would result in the addition of a five bedroom dwelling. The proposed development would not meet the housing mix as set out in the recent SHMA however due to the sensitive location of the site the provision of a higher number of smaller units would not be considered acceptable. Thus, due to the site circumstances no objections are raised to the construction of a five bedroom dwelling.
- 7.3 Affordable Housing
- 7.3.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document which was approved by the Council in June 2011. Policy CP4 does acknowledge that applications will be considered on a case-by-case basis to allow individual site circumstances to be reflected which may take account of development viability, and the National Planning Policy Framework is also clear that requirements should not prejudice development viability.
- 7.3.2 Following the Government's Ministerial Statement by Brandon-Lewis on 28 November 2014, changes to the National Planning Policy Guidance advised that affordable housing and tariff style developer contributions should not be sought for sites of 10 residential units or fewer and which have a maximum combined gross floorspace of 1,000sqm.
- 7.3.3 However, while the content of Government guidance is a material consideration in any planning decision, in light of local circumstances and evidence with regard to the pressing need for affordable housing and the contribution of small sites to meeting this need, the requirements of Core Strategy Policy CP4 would apply to the current application and the development would need to make a contribution towards affordable housing unless it is demonstrated that this is not viable.

- 7.3.4 Based on the habitable floorspace calculations created by the proposed development a commuted affordable housing payment of approximately £385,000 would be applicable to the scheme in accordance with the Affordable Housing SPD. The application has been supported by a viability assessment which sets out the contribution the applicant considers can be made whilst ensuring the application scheme remains viable. Adams Integra has independently assessed the submitted information on behalf of the LPA and have confirmed that an affordable housing contribution of £89,870 would be viable.
- 7.3.5 The Agent has confirmed that the applicant will be willing to pay the £89,870 contribution and a legal agreement is currently being drawn up to secure these funds. Thus, following the completion of the legal agreement the proposal would meet the requirements of Policy CP4 of the Core Strategy.
- 7.4 Impact on Character, Street Scene and Heritage Assets
- 7.4.1 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 (adopted October 2011) 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'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.4.2 In terms of new residential development, Policy DM1 of the DMLDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of 'backland', 'infill' or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:
- i. Tandem development;
  - ii. Servicing by an awkward access drive which cannot easily be used by service vehicles;
  - iii. The generation of excessive levels of traffic;
  - iv. Loss of residential amenity;
  - v. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)
- 7.4.3 Traffic, servicing and impact on amenity are considered in the relevant sections below. The rear façade of the building would front Dog Kennel Lane and although the front door would be inserted within the northern elevation, the proposal would still have a prominent elevation facing the highway and it is not considered that it would result in the appearance of backland or tandem development. The proposed new dwelling would be reflective of an infill development between Holly Cottage and the original dwelling. Although the dwelling would be served by a long access shared with the original dwelling the access arrangements would prevent punching through of the existing vegetation that runs along the southern boundary along Dog Kennel Lane, which would have a detrimental impact on the visual amenities of the street scene.
- 7.4.4 The subdivision of the plot would result in a plot of approximately 1682sqm to serve the proposed dwelling with approximately 2000sqm retained to serve the original dwelling. Dog Kennel Lane and the areas within the immediate vicinity of the application site contain properties on plots that vary in size and in character. The resultant plot sizes, although smaller than existing, would still be of sizeable proportions and significantly

larger in size than a number of properties within the vicinity of the site and wider area. As there is no regular pattern of development along Dog Kennel Lane, in terms of plot sizes and layout, the proposed subdivision would not interrupt any characteristic pattern of plot frontage, plot size or layout.

7.4.5 The proposed dwelling would have a large footprint. As with the plot sizes, the size, scale and architectural merits of the surrounding neighbouring buildings along Dog Kennel Lane vary. The proposed bulk and massing of the building would not appear out of character in relation to the varied built form that characterises the immediate area. The size of the dwelling relative to the generous plot size would also serve to prevent a cramped form of development and would not result in overdevelopment of the site. A distance of approximately 21m would separate the extended original dwelling and flank of the proposed dwelling. Adequate spacing would therefore be retained to respect the open and spacious character of the area. The proposed dwelling would sit back from the front elevation of Holly Cottage, however as previously noted there is no established pattern of development along this part of Dog Kennel Lane and the set back of the dwelling would maintain the sense of variation within the street scene. A minimum distance of approximately 7.4m would separate the flank elevation of the dwelling and flank elevation of Holly Cottage. This distance would exceed the 2.4m separation as set out in the Design Criteria and would be of a similar separation that exists between The Lodge and High View House to the south of the site. High View House is an infill development following the subdivision of The Lodge (planning permission reference 13/1274/FUL). The Lodge was a much smaller property in terms of width and depth. In terms of height the indicative street scene shows that the proposed dwelling would sit higher than the original dwelling and Holly Cottage. The height of the dwelling relative to the original dwelling would follow the topography of the site and due to the separation between the proposed and original buildings would not result in a dominant feature. The set back of the proposed dwelling from Holly Cottage would prevent the height of the dwelling from appearing disproportionate in scale in comparison to the neighbouring property and would not result in a prominent feature within the street scene. It is also noted that vegetation along the southern boundary would be retained which would serve to obscure the view of the proposed dwelling from the road, although it is noted that vegetation cannot be solely relied upon to act as a screen.

7.4.6 The front elevation of the proposed dwelling would face the northern boundary of the site and not Dog Kennel Lane. Taking the sporadic layout of Dog Kennel Lane into consideration the siting of the front elevation of the proposed dwelling would not result in a contrived feature. As such, the proposed development would not result in any demonstrable harm in regards to the requirements of Policy DM1 of the Development Management Policies document. The design merits of the dwelling will be discussed in the paragraphs below.

7.4.7 The application site is within the Chorleywood Common Conservation Area and Policy DM3 of the Development Management Policies document is therefore relevant. This policy states:

Within Conservation Areas development will only be permitted if the proposal:

- i) Is of a design and scale that preserves or enhances the character or appearance of the area
- ii) Uses building materials, finishes, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context
- iii) Retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges
- iv) Retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention

- v) Does not harm important views into, out of or within the Conservation Area
- vi) Protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area
- vii) Results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.

7.4.8 The key characteristic of the Chorleywood Common Conservation Area is its open and rural setting as highlighted in the Chorleywood Common Conservation Area Appraisal which states at paragraph 4.1 that 'the overwhelming character of the Chorleywood Common Conservation Area is rural, centering around an open common', and at paragraph 4.4 that 'the open and rural nature is a prominent characteristic of the Conservation Area formed by the openness of the Common'. The Appraisal specifically makes specific reference to Dog Kennel Lane at paragraph 4.2 stating:

'Views within, into and out of the Common and surrounding areas can add to the character and appearance of the Conservation Area. It is important that these views are maintained and not disturbed by inappropriate forms of development. Views are created through the gaps in the woodland settings, as detailed in the picture on the front page, which is viewed from the cricket ground. The changes in topography of the land create interesting vistas within the Conservation Area. Specifically along the eastern boundary of the Common along Dog Kennel Lane, the road is set between two areas of land which increase in height. The landscape to the east of Dog Kennel Lane contains a mixture of residential dwellings which are partially obscured from view by vegetation. The sporadic layout of these buildings maintains the open nature of the Conservation Area. To the west of the road is the Common. The ranging land levels provide interesting views, especially surrounding the dells. The views along Rickmansworth Road, to the north of the Common are marred by the road signage and visually intrusive boundary treatments.'

7.4.9 The existing site, by virtue of its size, is open in appearance which is reflective of the open character of the Chorleywood Common Conservation Area. The proposed dwelling which would be constructed to the rear of the existing dwelling and in conjunction with the rear extension would reduce the extent of openness within the site. Although there would be some views of the dwelling from elevated positions along The Common the proposed dwelling, due to its location to the rear of the original dwelling, would not result in a notable feature. As previously noted generous separation would be provided between the extended original dwelling and proposed development as to maintain the open characteristics of the Conservation Area. The overall plot sizes would be in excess of a number of the properties along Dog Kennel Lane including The Lodge and High View (granted permission for subdivision in 2013) and Old Meadows which was granted permission for subdivision and the construction of a detached dwelling in 2017 (17/1756/FUL) and a number of the original sites. The proposed plot sizes, building footprints and spacing between the buildings would not result in a cramped feature and would maintain a sense of space. The proposed siting and layout of the site and dwelling would also maintain the sporadic layout identified within the Appraisal and the development would not serve to obscure views of the extensive vegetation visible from The Common.

7.4.10 Hedging would be used as the subdividing boundary treatment which would respect the rural character of The Common. The new access would be sited to the north of the existing dwelling and along the northern boundary away from Dog Kennel Lane and would not be readily visible from public vantage points outside of the site. The proposed increased hardstanding would not result in any harm to the open character of the Conservation Area or introduce an urbanising feature. The proposed dwelling would include features that are characteristic of the Conservation Area including first floor

dormers, catslide roof and bay windows. As previously noted Dog Kennel Lane is varied in terms of architecture. It is noted that the proposed dwelling would include a crown roof which the Design Criteria discourages. The proposed crown roof would not be readily apparent from outside of the site and the pitched roof projections to the front and rear would reflect the design merits of the original dwelling. The proposed roof form would therefore not add apparent bulk and massing to the building and would not introduce an incongruous or harmful feature. The Conservation Officer raised no objections to the design of the proposed dwelling thus it is not considered that the design of the proposal would detract from the character or appearance of the Conservation Area. The size and scale of the proposed building would also not result in a dominant or imposing feature in relation to the buildings within the vicinity of the site.

- 7.4.11 The Conservation Officer objected to the proposed subdivision of the site and erection of a new detached dwelling stating:

Although the amount of new development has been reduced, I consider that the open space around Red House is indicative of the pervading and permeating open character of the Conservation Area and I would therefore still object.

The DAS mentions other nearby permissions, although I consider that the cumulative impact of this additional development would be overwhelmingly negative.

- 7.4.12 In relation to the proposed development the Conservation Officer's comments do not detail how the proposed development would result in significant demonstrable harm to the open and rural character of The Common and Conservation Area. Furthermore, the harm arising from the proposed development should be assessed on its individual merits and planning permission should not be refused just on the basis that other sites within the vicinity of the application site have previously been subdivided or have permission to be subdivided. Thus, although the Conservation Officer comments are a material consideration for the reasons set out above it is not considered that the proposed extension to the dwelling, subdivision of the site and construction of a detached dwelling would result in any demonstrable harm to the open and rural character of The Common and would maintain the sporadic character of this part of Dog Kennel Lane. The subdivision of the site is not considered to detract from the historically significant boundaries, important open spaces or disrupt the established pattern of development, character and historic value of the Chorleywood Common Conservation Area.

- 7.4.13 The proposal would also include the demolition of an existing side extension and construction of a two storey rear extension and single storey rear extension to the original dwelling. The original dwelling has a number of features that contribute to the architectural merits including the fenestration details and chimneys. The overall design of the building and setting makes a positive contribution to the character and appearance of the Conservation Area. The two storey rear extension would be constructed in line with the northern elevation of the dwelling. It would have a gable end which would emphasise the overall depth of the proposal however considering the existing dwelling is of generous proportions it would not result in overdevelopment of the property. Due to the siting of the proposed two storey extension it would not result in a prominent feature within the Conservation Area or street scene. The single storey rear extension would extend the rear elevation of the dwelling out further than the existing built form. As it would be single storey level only and would be set in from the southern boundary of the site it would not result in any harm by virtue of creating a prominent feature. The Conservation Officer raised no objections to the proposed extension. The extension to hard standing would not result in an urbanising feature. Thus, the size, scale and design of the proposed extension to the dwelling would not result in any harm to the character and appearance of the Conservation Area or the visual amenities of the street scene. The proposed basement

would not be apparent from outside of the site and would not result in any harm to the character of the Conservation Area.

- 7.4.14 Planning permission 17/1588/FUL was recently refused however this application proposed the retention and extension of the original dwelling and the construction of two detached dwellings within the rear amenity space. The current development would be of a less intense development of the site and is considered to be materially different in scale and massing in comparison to the refused scheme.
- 7.4.15 The proposed development would therefore be in accordance with Policies CP3 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the DMP LDD and the Chorleywood Common Conservation Area Appraisal. Any planning permission would remove permitted development rights for both properties to future protect the site from overdevelopment.
- 7.5 Impact on amenity of neighbours
- 7.5.1 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 residential 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.
- 7.5.2 The Design Criteria at Appendix 2 of the Development Management Policies document also set out that two storey development at the rear of properties should not intrude a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property, although 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 the position of windows and development on neighbouring properties. In relation to overlooking the Design Criteria stipulates that as an indicative figure 28 metres should be achieved between the faces of single or two storey buildings backing onto each other.
- 7.5.3 A distance of 21m would be achieved between the rear elevation of the extended rear elevation of the original dwelling and the proposed development. The proposed dwelling would be set on higher ground to the existing dwelling however the separation between the buildings would prevent the proposed dwelling from resulting in any loss of light or harm to the visual amenities of the original building. The proposed dwelling would be sited beyond the rear elevation of Holly Cottage to the east. If the 45 degree splay line were to be taken from the point of the rear elevation of Holly Cottage at a point on the joint boundary the proposed dwelling would completely intrude the 45 degree splay line. The rear elevation of Holly Cottage would be angled slightly away from the proposed dwelling and a distance of 8m would separate the proposed dwelling and Holly Cottage to the rear. Due to the siting of the proposed dwelling and separation between the buildings it is not considered that the proposed dwelling would result in any unacceptable loss of light or harm to the visual amenities of Holly Cottage.
- 7.5.4 The proposed dwelling would not be sited directly to the rear of the dwellings of Badgers Walk to the north and sufficient separation of approximately 47m would separate the closest neighbouring dwelling and the proposed dwelling. The siting of the dwelling would not harm the residential amenities the neighbouring block of flats to the north east.
- 7.5.5 The proposed dwelling would be sited a minimum of 17m from the boundary with Dog Kennel Lane and approximately 20m from the boundary with Stocks. The siting of the dwelling in comparison to the neighbouring properties to the south would prevent it from resulting in any loss of light or harm to the visual amenities of these neighbouring properties. The proposed dwelling, due to its siting, would not result in a dominant feature

on the neighbouring properties on the opposite side of Dog Kennel Lane. Due to the siting of the dwelling relative to High View no harm to the residential amenities of this neighbouring property would result from the proposal.

- 7.5.6 In terms of overlooking the proposed dwelling would not contain any first floor flank windows which would overlook the curtilage serving the existing dwelling. The first floor side window within the south east elevation would serve a non-habitable room and would be conditioned to be obscure glazed and top level opening only. The main amenity space provision serving Holly Cottage is sited to the south east of the neighbouring dwelling and due to the relationship with Holly Cottage the proposal would not overlook the neighbouring dwelling. The front boundary of the neighbouring properties to the south face the rear boundary of the proposed dwelling. The proposed dwelling would not directly face the dwellings of The Lodge or Stokes and would not permit unacceptable overlooking into these neighbouring properties. The proposed dwelling would be set back approximately 12m from the northern boundary with The Cedars. The proposed dwelling would not face the neighbouring dwellings along Badgers Walk and would not directly face the flatted development thus would not result in any direct overlooking of the neighbouring buildings to the north.
- 7.5.7 The two storey aspect of the proposed extension to the original dwelling would be sited along the northern aspect of the dwelling. The single storey rear extension would also exceed the 4m maximum depth for single storey rear extensions as set out in the Design Criteria. A minimum distance of 32m would separate the proposed two storey extension and rear elevations of the neighbouring dwellings to the north east. The proposed extension would be set in from the common boundary and as such it would not result in any loss of light or harm to the visual amenities of the neighbouring properties to the north. Due to its siting to the north the two storey extension would not be harmful to the neighbouring properties to the south and the single storey extension would be of a size and scale and set away a sufficient distance from the neighbouring properties to the south as to not result in any loss of light or harm to their visual amenities.
- 7.5.8 The fenestration to be inserted within the rear elevation of the proposed extensions to the dwelling would not result in any unacceptable overlooking of the proposed site or neighbouring properties to the north and south. The first floor side windows within the northern elevation would be conditioned to be obscure glazed and top level opening only. The proposed ground floor flank windows would not permit overlooking into the surrounding neighbouring properties. The proposed development would include an extension to the existing patio however at this point the proposed patio would be at a similar level to the existing land levels thus would not facilitate overlooking into the neighbouring properties.
- 7.5.9 Concerns have been raised that the proposed development would result in noise and disturbance to the neighbouring properties through the siting of the proposed access. The proposal would serve one dwelling and it is not considered that the traffic generated by the proposal would result in any noise and disturbance to the neighbouring properties.
- 7.6 Quality of accommodation for future occupants
- 7.6.1 An acceptable relationship would be achieved between the proposed dwelling and existing dwelling to ensure the residents both have acceptable living standards. As noted above the proposed extensions to the original dwelling would not result in any unacceptable overlooking of the proposed dwelling. Any overlooking from the first floor level into the garden of the proposed development would be an inherent relationship which the future owner occupiers would be aware of. It is also noted that Holly Cottage to the south east contains first floor windows within the flank elevation that would face the garden of the proposed dwelling. The proposed dwelling would be served by a large

amenity space provision and it is considered that the proposal would benefit from acceptable levels of privacy as to not affect the usability of the site.

## 7.7 Amenity Space Provision

7.7.1 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. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD.

7.7.2 Both properties would contain five bedrooms. The Design Criteria stipulates that five bedroom properties should be served by an amenity space provision of 126sq.m. The existing and proposed dwellings would be served by large plots and large amenity space provisions well in excess of the indicative standards as set out within the Design Criteria.

## 7.8 Wildlife and Biodiversity

7.8.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.8.3 Herts Ecology made comments in relation to application 17/1588/FUL advising that the site is located in close proximity to Chorleywood Common which is registered Common Land as well as a Local Wildlife Site and Local Nature Reserve. There are also records of bats in the area and numerous records of Great Crested Newts from the Common. Herts Ecology recommended that a professional bat survey was undertaken to evaluate whether bats, or evidence of them are present. Herts Ecology also recommended that the grounds of the property are assessed by an ecologist for the potential to support Great Crested Newts. A Bat Survey and Ecological Survey have been submitted in support of the application; Herts Ecology and Herts and Middlesex Wildlife Trust have been consulted in relation to the proposed development however no comments have been received to date. The Committee will be verbally updated of any comments received and suggested conditions.

7.8.4 The Bat Survey identified that no bats emerged from the house during the dusk emergence survey but two species of bats were recorded flying within and around the boundaries of the survey area. The report identifies that the building supports some features for roosting bats but since no bats emerged from the building on the date of the survey and no signs of any bat use were found during the daytime inspection any presence of bats is currently considered unlikely. The surveys were undertaken in July 2017 and advises that if there is any delay to development further checks should be undertaken. Due to the time delay between the surveys and submission of this application a condition would be attached to any permission requiring further surveys to be carried out prior to the commencement of any works.

7.8.5 The Ecology Report identified that no habitat of high ecological significance was found to be present within the garden of Red House. The report suggests the retention of the bordering trees along the north and south of the site which would be largely retained by the proposed development. The site was not considered suitable for Great Crested Newts. The Ecology Report did however find evidence to suggest that badgers had

pathways extending across the site and badgers should be safeguarded during construction works. Members will be updated of an appropriately worded condition in relation to the protection of badgers during the course of the development.

## 7.9 Trees and Landscaping

7.9.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.

7.9.2 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:

- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.
- iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.9.3 The trees within the site are protected by virtue of the Conservation Area status of the land and the trees within the rear most point of the site are protected by a Chorleywood College Tree Preservation Order. An arboricultural report was submitted in support of the application. The report indicates that the proposed development would result in the removal of Whitebeam, Eucalyptus and Apple trees sited close to the original building. The proposal would also result in part removal of the hedgerow along the northern boundary and to the south of the site which consist of holly, sycamore, plum and hawthorn and the removal of three of the trees which form part of the orchard to the south east of the site. No comments have been received from the Landscape Officer in relation to the acceptability of the scheme. However, the report identifies that the proposed development would allow for the retention of all of the important category A and B graded trees and concludes that the landscape character of the site would be retained. As the majority of the vegetation within the site and along the boundaries would be retained it is not considered that the proposal would have an adverse impact on the landscape character of the surroundings. Suggested conditions including a method statement, hard and soft landscaping have been suggested. A tree protection plan has been submitted however this does not include the protection of the Eucalyptus tree to the front of the site to be retained is located very close to the access track and should also be protected during the course of the development. Thus, a tree protection condition would also be attached to any planning permission.

## 7.10 Highways, Access and Parking

- 7.10.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access. There would be no change to the access to the site from Dog Kennel Lane and the Highways Officer advises that the development would not have a detrimental impact on the highway. However, given the constrained nature of the access to the site, a condition on any consent would require submission of a construction management plan to ensure that there would not be adverse impacts as a consequence of the proposed development. Informatives regarding deposit of mud or other debris on the public highway and storage of materials would also be attached to any planning permission.
- 7.10.2 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. The parking standards state that a dwelling of four bedrooms or more should have a total of three parking spaces.
- 7.10.3 The proposed development would result two five bedroom dwellings. Appendix 5 of the Development Management Policies LDD advises that a property with 4 or more bedrooms should retain an on-site parking provision of 3 spaces. Each property would be served by areas that could accommodate in excess of three cars.
- 7.11 Sustainability
- 7.11.1 Paragraph 93 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.
- 7.11.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.11.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.11.4 The Energy Statement submitted in support of the application concludes that the proposal would reduce the carbon emissions by 8.7% including the provision of an air source heat pump to be installed within both properties.
- 7.12 Refuse and Recycling
- 7.12.1 Policy DM10 (Waste Management) of the DMLDD advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:
- i) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity
  - ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers

iii) There would be no obstruction of pedestrian, cyclists or driver sight lines

7.12.2 The construction of an additional dwelling would not add additional pressure to the existing refuse collection provisions. However, the existing bins are collected at the roadside and it is unlikely that the refuse collection would access the site to collect the bins. Although it has not been constructed permission has been granted for the construction of a detached dwelling adjacent to Old Meadows. The provision of a further dwelling for collection by the existing access along Dog Kennel Lane could result in congestion of refuse bins on collection day at the entrance to the site. A condition would be attached to any planning permission requiring details of the location for the collection of the bins for both the existing dwelling and proposed dwelling to be submitted to ensure that the proposal would not impact on the free flow of vehicles along Dog Kennel Lane on collection day.

## **8. Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions / and subject to the completion of a Section 106 Agreement/Legal Agreement:

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: KDK-543-PL-01, KDK-543-PL-02, KDK-543-PL 03, KDK-543-PL 04, KDK-543-PL-20 Rev C, KDK-543-PL 21 Rev A, KDK-543-PL 22, KDK-543-PL 23 Rev A, KDK-543-PL 24 Rev C.

Reason: For the avoidance of doubt, to protect the Conservation Area and in the proper interests of planning in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM8, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and The Chorleywood Common Conservation Area Appraisal (adopted February 2010).

C3 Prior to commencement of the development hereby permitted, the site shall be assessed by a professional, licensed bat consultant to determine whether bats are present or not, whether they will be affected by the development and any mitigation and/or compensation measures required, details of which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: This condition is a pre commencement condition to ensure to ensure that any protected species are safeguarded and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C4 No development shall take place before a method statement for construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities, excavation, site preparation and construction stages of the development. The method statement shall also include details of the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: This condition is a pre commencement condition to ensure that no obstructions to the public highway occur during the construction period, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C5 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) 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 to be submitted to and approved in writing by the Local Planning Authority. The plans and particulars shall be prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction'

The protective measures, including fencing, shall be undertaken in 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 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, without the written consent of the Local Planning Authority. 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 in order to protect the visual amenities of the trees, area 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).

- C6 No development or other operation shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of tree protection measures, timetables of works, method of demolition, removal of material from the site, importation and storage of building materials on the site, details and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees. The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

Reason: This condition is a pre commencement condition in order to protect the trees, area and to meet the requirements of Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows which are to be retained.

All hard and soft landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be maintained, including the replacement of any trees or plants which die, are removed or become seriously damaged or diseased for a period for five years from the date the approved scheme was completed. Replacements should be planted during the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: This condition is a pre commencement condition in the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C8 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of 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).

- C9 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C10 The development shall not be occupied until a scheme for the separate storage and collection of domestic waste has been submitted to and approved in writing by the Local Planning Authority. Details shall include size and appearance of refuse and recycling facilities on the premises and the location of the collection points for both the existing and permitted dwelling. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

- C11 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality 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).

- C12 Before the first occupation of the dwelling hereby permitted the first floor window(s) in the south east flank elevation 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(s) 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).

- C13 Before the first occupation of the extension hereby permitted the first floor window(s) in the north east elevation of the original dwelling 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(s) 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).

- C14 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 elevations or roof slopes of dwelling 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).

- C15 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 north east elevation or roof slopes of the original dwelling.

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).

- C16 Immediately following the implementation of this permission, 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 development within the following Classes of Schedule 2 of the Order shall take place within the site of the original dwelling and dwelling hereby permitted.

#### Part 1

- Class A - enlargement, improvement or other alteration to the dwelling
- Class C - alteration to the roof
- Class E - provision of any building or enclosure

Class F - any hard surface

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C17 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C18 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

- C19 No removal of trees, hedges or scrub shall take place between 1 March and 31 August inclusive unless searched immediately beforehand and certified free of nesting birds by a qualified ecologist.

Reason: To protect the amenities of wildlife during the primary nesting season and to meet the requirements of Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

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 0208 207 7456 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) - 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.

- 12 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 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.
- 14 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: 0845 6014523

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

(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. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

- 15 Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians to cross. Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons. Trenches should be provided with a means of escape for any animals that may have become trapped. This is particularly important if the trench fills with water. In the event that a Great crested newt is encountered during works, construction must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

- 16 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
- 17 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047