

**7. 18/0447/FUL – Demolition of existing side projections and construction of two storey side and rear extensions; creation of basement; roof alterations including insertion of rear dormer to create second floor accommodation; and internal alterations at 5 BEDFORD ROAD, MOOR PARK, HA6 2BA for Mr and Mrs Patel.**

Parish: Batchworth Community Council

Ward: Moor Park and Eastbury

Expiry of Statutory Period: 26 April 2018

Case Officer: Matthew Roberts

Recommendation: That Planning Permission is granted.

Reason for consideration by the Committee: Called in by three members of the Planning Committee.

**Update:** The application was deferred at the May Planning Committee to allow Members to visit the site.

**1. Relevant Planning and Enforcement History**

1.1 W/808/52 - House & Garage. Permitted (not implemented)

1.2 W/481/53 - House & Garage. Permitted (not implemented)

1.3 W/1097/53 - Extension to proposed house. Permitted (not implemented)

1.4 W/20/55 - House & Garage. Permitted and implemented

1.5 W/1814/68/D17795 - Bed-Sitter, kitchen and bathroom (plans not available).

1.6 16/0119/PREAPP - Part single storey, part two storey side and rear extensions; creation of basement; loft conversion including rear dormers and front rooflights; and internal alterations. Response sent 10 March 2016.

Summary of response: The proposed the scale, bulk and massing of the proposed extensions is considered to harm the character and appearance of the existing pre-1958 dwelling, the traditional emphasis and design of the Moor Park Conservation Area and would adversely affect the spacious character of the Conservation Area. As such it is not considered that the proposed development would be acceptable in accordance with the adopted Policies.

1.7 17/0515/FUL - Part single storey, part two storey side and rear extensions; creation of basement; roof alterations including increase in ridge height to create second floor accommodation; and internal alterations. Refused, for the following reason:

*R1: The existing dwelling was built prior to 1958 and makes a positive contribution to the character and appearance of the street scene and the Moor Park Conservation Area. The proposed development would result in an inappropriate form of development and by reason of the scale design, loss of original features, height, bulk and massing would significantly erode space which is a key feature of the Conservation Area and would adversely affect the character and appearance of the Pre 1958 dwelling, streetscene and the Moor Park Conservation Area. This would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (adopted 2006) and the NPPF.*

1.8 17/1374/FUL - Part single storey, part two storey side and rear extensions; creation of basement; roof alterations including increase in ridge height to create second floor

accommodation; and internal alterations. Refused, for the following reason:

*R1: The existing dwelling was built prior to 1958 and makes a positive contribution to the character and appearance of the streetscene and the Moor Park Conservation Area. The proposed extensions including alterations to the roof when viewed cumulatively by virtue of their excessive scale, bulk, massing, height and roof design would result in disproportionate additions which over-dominate the pre-1958 dwelling. In addition, the inclusion of two storey side extensions to both sides of the dwelling by reason of their width and height would also significantly erode the spacious character of the site which given the prominent corner plot location would harm important views within the Conservation Area. The proposal would lead to less than substantial harm of a designated heritage asset however only private benefits exist in terms of providing increased family accommodation. The benefits arising from the scheme are not considered sufficient to outweigh the identified harm to the Conservation Area. The development therefore fails to preserve or enhance the character and appearance of the Conservation Area and is therefore would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (adopted 2006) and the NPPF.*

- 1.9 17/2610/FUL - Demolition of existing side projections and construction of part single storey, part two storey side and rear extensions; creation of basement; roof alterations including increase in ridge height to create second floor accommodation; and internal alterations. Withdrawn on 17 January 2018.

## **2. Description of Application Site**

- 2.1 The application site comprises a detached pre-1958 dwellinghouse located on the eastern side of Bedford Road, on the curve of the road opposite the junction with Thornhill Road in Moor Park. Due to the location of the site, positioned on the inside of the curve in the road, the front is wider than the rear with the total plot covering an area of circa 1800sqm.
- 2.2 The site is located within the Moor Park Conservation Area; a private estate of detached houses of various architectural styles predominantly built between 1920 and the mid 1950's. The area is characterised by two-storey houses with pitched roofs and high quality landscaping including mature trees, grass verges and hedging.
- 2.3 The application site contains a pre-1958, two storey, five bedroom dwelling with a hipped roof and a two storey central hipped forward projection. The house has benefitted from two single storey flat roofed side extensions, one either side of the host dwelling. The extension along the northern flank is a double garage and the extension along the southern flank is used as the fifth bedroom.
- 2.4 Due to the location of the site, the flank boundaries are splayed. The dwelling is set in from the shared northern flank boundary by 1m at the front, increasing to 1.5m at the rear and 5.2m from the southern flank boundary at the front narrowing to 3.4m at the rear. The dwelling is set back from the highway by approximately 15m with the frontage consisting of a carriage driveway and a lawn area occupied by a large mature protected Ash tree. The driveway provides off-street parking for at least four vehicles.
- 2.5 The neighbour to the north, No.3 Bedford Road, is a two storey detached dwelling which is angled away from the shared boundary with the application site. At its closest point the attached garage of No.3 Bedford Road is located approximately 8m from the shared boundary.

2.6 To the south is No.7 Bedford Road, which is also a two storey detached dwelling that has benefitted from various extensions and alterations. This neighbour is set in from the shared boundary with the application site by approximately 3m.

2.7 With regards to policy designations the application site is located within the Moor Park Conservation Area (designated 1995).

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

3.1 This application seeks planning permission for the demolition of the existing side projections and the construction of a two storey side and rear extensions, creation of basement, roof alterations including insertion of rear dormer to create second floor accommodation and internal alterations.

3.2 The proposed two storey side extensions to both flank elevations would be identical in scale and design, extending 3.9m in width from the original dwelling while measuring 5.9m in depth, set back 1.5m from the nearest front wall and 2.5m from the forward most front wall. The extensions would have a hipped roof form set down 0.6m from the original ridge line sloping down to an eaves height which would be approximately 1m below the original eaves. The extension to the northern side would be set in from the splayed shared boundary by 5-5.5m while the extension to the southern side would be set in from the other splayed shared boundary by 4.5-5m.

3.3 To the rear, a two storey extension is proposed and would project 4m in depth and extend across the original rear wall to serve two bedrooms with en-suites. The extension would have a dual hipped roof with a small valley in-between with the hipped roofs set down by 0.6m from main ridge line.

3.4 Between the two storey side and rear extension an infill single storey extension would be constructed to both sides. The extensions would each have a depth of 3m, width of 3.8m and a flat roof height of 3.5m with the northern addition incorporating a lantern rooflight which would protrude 0.3m above the roof.

3.5 Within the original rear roof a centrally sited flat roofed dormer window is proposed and would measure 1.6m in width, 1.3m in height and would protrude 1.7m from the roof slope, set down 0.5m from the original ridge line. The existing chimneys and original roof form to the front including elements to the side and rear are shown to remain. The original roof would be internally converted to accommodate a prayer room and storage facilities, the latter of which would be served by two inward facing rooflights.

3.6 To the rear a basement is proposed which would extend across the footprint of the extended house, measuring 19m in width and 7.5m in depth (excludes stairway access). The basement would accommodate a pool, gym and changing facilities and would be served by 4 rooflights.

3.7 Within the original principal elevation, the window configurations would be altered with the first floor cills enlarged at first floor level by 0.3m with the existing two long vertical windows within the central front wall replaced by three similar sized windows. The front storm porch would also be slightly altered.

3.8 Internally, a number of walls would be removed although the submitted plans indicate that all of the original external walls would remain (excluding the requirement for openings into the extensions).

3.9 During the process amended plans have been received and the changes are outlined at paragraph 7.1.12.

- 3.10 The application has been supported further by a Biodiversity Checklist, Flood Risk Assessment, Basement Impact Assessment, Tree Survey, CGI's and a CIL Information Requirement Form.

#### 4. Consultation

##### 4.1 Statutory Consultation

- 4.1.1 Batchworth Community Council: No comments received. Any comments received will be verbally updated at Committee.

- 4.1.2 Moor Park (1958) Limited: [Object]

*"The Directors of Moor Park (1958) Limited would wish to raise the following **objections, concerns and comments** on the application proposals as follows:-*

*1. The current application follows the recent refusal by the Council of TWO earlier schemes under ref 17/0515/FUL and 17/1374/FUL where strong, robust and well-founded material planning grounds (containing several elements of opposition) were cited as the reasons for refusal; not least the following aspect of the refusal namely:-*

*"The proposed extensions including alterations to the roof when viewed cumulatively by virtue of their excessive scale, bulk, massing, height and roof design would result in disproportionate additions which over-dominate the pre-1958 dwelling..."*

*Following this a further revised planning application (ref 17/2610/FUL) was withdrawn by the applicant prior to determination when it was clear that shortcomings still existed within the scheme and, as such, we reasonably assume that the Council were prepared to issue a further refusal. This is based on the findings of the Council's Conservation Officer in his response to the application (dated 10 January 2018) where it states that "the previous objections/concerns and grounds for refusal have not all been overcome" and "extensive development results in effective demolition of the original property....especially in the context of the few remaining examples of pre58 dwellings within the Moor Park Conservation Area".*

*Consequently, in the context of this latest set of submission and as a fundamental matter of planning principle, we are strongly of the view that the Council needs to be completely satisfied that each and every aspect of the previous planning ground for refusal (and the reasons lying behind the need for the applicant to withdraw the previous application) need to have been **fully** addressed and entirely overcome, in regard to this pre-58 dwelling in a designated Conservation Area, before considering whether there are sufficient merits in this latest application to now grant planning permission.*

*We are firmly of the view that the previous objections/concerns and grounds for refusal/withdrawal still **have not** all been overcome and you will note our specific objections and concerns as set out below, especially in the context to which these latest proposals still over-whelm, materially alter and over-dominate the scale, appearance and character of the original pre58 dwelling on this site.*

*On this point, we would also ask the Council to specifically take regard of the following factor. We note on the submitted drawings that the height of both of the two storey side extensions and their respective scale/relationship to the retained existing roof/ridge IS DIFFERENT on the front and rear elevations compared to the submitted side elevations. The degree of "step down" is much greater as shown on the front and rear elevations! Whereas on the side elevations is minimal.*

*It is our view that this needs detailed explanation and clarification prior to the determination of the application. In our view any development undertaken based on the degree of step down on the side elevations is completely unacceptable because at such a height and competing with the main ridge, would demonstrably fail to respect the scale and proportions of the original pre58 dwelling.*

*Indeed, the key question now remains – how much of the original pre58 dwelling will genuinely remain if this development were to proceed? As this stage we would contend:-*

- **none** of the rear elevation will remain (apart from the central section of the roof which, in any event, is shown for the insertion of a rear dormer)
- **none** of either side elevations will remain (with the exception of the brick ‘nibs’ of the stepped part of the front “projections”).
- **none** of the front fenestration will remain – not only are the window patterns altered, the proportions and size of **all** of the window openings are also changed.
- little of the ground floor or first floor internal walls or layouts will remain.
- **plus**, the ground beneath part of the property is also to be developed in the form of a substantial basement

*In our opinion the combination of all the above factors, demonstrate how close the proposals are to being tantamount to a new/effective replacement dwelling with the resultant loss of another pre58 dwelling on the estate.*

*In light of the above, the Council’s case officer and senior managers are reminded of some of the key parts of the letter dated 27 December 2017 from the Council’s Chief Executive to the Chairman of the Board of Moor Park (1958) Limited that relates to another (now former) pre58 dwelling on the Moor Park estate, that includes the following recognitions and commitments which we believe are **equally relevant to the current application** namely:-*

*“The Planning Officer’s view....was that sufficient elements of the original house were to be retained. This was an exercise of planning judgement but officers now accept that a different conclusion could have been reached: the extent of the works approved went beyond extensions and alterations and resulted in the substantial demolition of the house. I appreciate that the above decision cannot bring the house back and accept that your comments throughout previous applications refer to concerns about the level of demolition”*

*“As a consequence of such decisions, officers when validating planning applications ensure that proposals reflect the extent of demolition necessary, thereby ensuring that the description of development reflects that from the outset and is assessed on that basis.....to ensure that substantial demolition does not occur to pre1958 dwellings.....Furthermore, officers are also required to ensure that submitted plans clearly (without ambiguity) identify those walls which are to be removed to ensure the full extent of demolition can be accurately assessed from the outset.....”*

*“...it is accepted that at the time further scrutiny may have resulted in the Council assessing the application on a different basis”.*

*2. It is in the context of the above therefore that paragraph 3.1 of the approved Moor Park Conservation Area Appraisal (and accept that MPCAA) needs to be taken fully into account where it clearly states that the Council “will give high priority to retaining buildings which make a positive contribution to the....Conservation Area” and that, as a guide, the Council will seek the retention (and suitable protection) of buildings erected prior to 1958.*

*From the planning history on the Council website it is clear that the building dates from the early/mid 1950's and consequently **this is a pre-1958 dwelling**. On this basis it is one of*

the original "founding" properties on the estate and consequently is deserving of the highest level of protection commensurate with the scarcity of buildings within the designated Conservation Area. The Council will be aware that this safeguarding approach to protecting the scarcity of pre58 dwellings has been confirmed in various appeal decisions throughout the estate.

In our opinion the range and scale of the proposed extensions (albeit they are again 'scaled back' compared to the latter of the two refused schemes and the unacceptable withdrawn application) will still fundamentally alter the design, scale, character and appearance of the dwelling and consequently we wish to raise this as an **objection** in light of the provisions of para 3.1 of the approved MPCAA.

**This is considered especially so if the "side elevations" shown on the submitted drawings reflect the intended juxta-position of the two large side extensions with the existing dwelling and its roof/ridge (see above re the discrepancy in the drawings).**

In our opinion the totality of the current development proposals as summarised in the earlier set of bullet points above still fundamentally over-dominate and overwhelm the scale and appearance of the original dwelling, resulting in a detrimental effect on the character and appearance of the property and therefore which would materially undermine the "positive contribution" this pre58 dwelling has in the designated Conservation Area. We can see no merit or justification to promote or support a form of development that results in material harm to the scale, appearance and character of the original/existing dwelling.

In light of the above, we consider that the full provisions set out in para 3.1 (and 2.7) of the approved MPCAA need to be taken into account by the Council in the determination of this application plus all those commitments and re-assurances made in the Chief Executive's letter.

We wish to make it very clear at this juncture that para 3.1 of the MPCAA requires that "high priority" must be given to "...retaining buildings..". It categorically **does not** refer only to retaining or protecting bits and pieces of the front elevations or facades of these pre58 dwellings, but the **WHOLE** of the property/dwelling.

3. We wish to register our strong concerns in regard to the proposed substantial basement that is indicated to cover a large proportion of the new footprint of the extended dwelling, especially in the context of the provisions and concerns expressed in paragraph 3.8 of the approved MPCAA.

While we note that a flood risk assessment (FRA) has been submitted with the application, we specifically wish to highlight that para 3.8 of the MPCAA refers, inter alia, to concerns over the potential disruption from the construction of basements to underground water courses and the consequential need for local FRAs that specifically seek to ensure that:-

- (i) **no surface water flooding will occur as a result of the basement construction and**
- (ii) **that there will be no material harm to any underground water course(s) in the vicinity of the site as a result of the basement construction.**

We would expect the Council to have full regard to the provisions and safeguards that are required within the context of the approved MPCAA in the determination of this application.

Furthermore, the Council is respectfully reminded that it has been agreed between representatives of Moor Park (1958) Ltd and senior Council planning officers, with effect from August 2016, that a **new informative** (dealing with two specific issues referred to above) will be applied in regard to development schemes on the Moor Park estate that incorporate basement proposals.

4. Paragraph 3.7 of the MPCAA says that “where acceptable, dormer windows of good proportions and balance should appear subservient to the roof, placed well down from the main ridge and should have smaller windows than the main fenestration....”.

In our opinion the proposed rear dormer, while of relatively modest size, is nevertheless NOT “placed well down from the main ridge”.

As a result, it is our view that it contravenes the clear provisions of para 3.7 of the MPCAA and should either be amended in design (prior to determination) or refused planning permission. We would wish to express our objections to its current design as it would result in a discordant, flat roof feature that has a poor/cramped relationship with the main ridge.

5. Paragraph 3.4 of the MPCAA sets a maximum plot coverage of 15% and we have calculated (using the submitted scale bars and depending exactly where the plot width is taken from on this irregularly shaped site) that the current application indicates a plot coverage of 15%. Consequently, we consider this important issue will need to be very closely checked by the Council.

In the interests of maintaining and preserving one of the very key aspects that defines the character and appearance of the Moor Park Conservation Area, in terms of the openness and the generally low level of development on individual plots, we would strongly urge the Council to ensure that the proposed new footprint does not exceed this figure.

In addition, and notwithstanding our objections elsewhere to this current development proposal, it is clearly highly possible for outbuildings to be erected on the plot in the future under the terms of residential permitted development and thereby take the plot coverage above the 15% figure shown in the current application to the consequential detriment of the openness of the site. In light of these material planning factors, we would therefore wish the Council to impose a planning condition to secure the removal of all residential permitted development rights for all future development at the site in the interests of protecting the site from an even greater degree of plot coverage and resultant unacceptable loss of openness.

6. Although no indication has been given in the current application in regard to any possible changes to the front driveways/hardstanding areas at the property, we would nevertheless wish to draw attention to paragraph 3.11 of the adopted MPCAA which states that formal planning permission will be required for any increases in hardstanding facing a road frontage and then goes on to say:-

“Extensive hard surfacing will not be considered to be sympathetic to the open character of the frontages in the conservation area. Areas of hard standing between the front and side of a house and the road should be no more extensive than is reasonably necessary to park and turn vehicles.....”

We raise this matter purely as a safeguard and accept that if no changes are proposed to the front driveway then this issue is of no relevance to the application.

7. Para 3.13 (and elsewhere) in the MPCAA identifies that trees are clearly a very major feature of the character and appearance of the Moor Park Conservation Area. Consequently, we would request that the Council seeks the maximum tree retention

*(especially where there appears to be considerable potential impact on trees in the front garden area), and for the protection of all retained trees on the site, and that this be made a key consideration in the determination of the application. This should include that the requirement of any replacement trees (if required) should be of nursery standard size and specification in order to re-establish the maturity of landscaped frontages that are part of the prevailing character and appearance of the Conservation Area.*

*Again we raise this matter purely as a safeguard and accept that if no changes are to be removed (or endangered) by the development then this issue is of no relevance to the application.*

*8. Finally, we consider that the following drawing errors or areas of uncertainty and lack of clarity will need to be resolved prior to the determination of the application:-*

- (i) the red line on the site plan is completely mis-aligned and clearly does not follow the boundaries of the application site*
- (ii) there is a difference in the adjacent ridge heights of both of the two storey side extensions and the main ridge – as referred in our main paragraph 1 above. We consider this is very crucial anomaly – for the material planning reasons set out above*
- (iii) drawing ref 16/102 shows an entirely different building than elsewhere on the submitted drawings*
- (iv) the totality of all new works has not all been coloured red on the submitted plans and elevations (e.g. bedroom above the garage on the first-floor plans and the front wall of the upper floor on the other side of the dwelling).*

*We consider that all of these omissions/oversights/anomalies should be corrected as a matter of urgency and prior to the determination of the application in the interests of preventing any misunderstanding of the full extent of the submitted scheme and having regard to appropriate clarity and completeness.*

*We trust the above response, based on what we regard as relevant and material planning considerations, primarily within the approved MPCAA, is of assistance to you.”*

**Officer Comment:** The original plans have been revised and now take into account the discrepancies highlighted at paragraph 8.

#### 4.1.3 Conservation Officer: [Objects]

Original comments:

*“Previous conservation comments were made in July last year (17/1374/FUL) and January this year (17/2610/FUL).*

*This new proposal has been reduced, although in my view further reductions should be made as discussed with the case officer. I am concerned about oblique views as mentioned in conservation comments made regarding 17/1374/FUL in July last year and the new extensions should be further set-back.*

*I am also still concerned about the bulk of the extensions and this should be further reduced.*

*The demolition element still concerns me and this has been reduced. As discussed with the case officer, a method statement to describe the works and avoid any accidental collapse will be submitted.*

*The windows have been altered, although details at 1:20 will be required of the new windows.”*

Conservation Officer comments on the amended plans:

*“This new proposal has been amended and slightly reduced, although in my view it is still overly dominant, poorly designed in relation to the pervading character in the Conservation Area (see my comments below) and would have a negative cumulative impact in the Conservation Area and therefore my objection remains.*

*I am still concerned about oblique views as mentioned in conservation comments made regarding 17/1374/FUL in July last year and the new extensions should be substantially redesigned to be very clearly smaller and asymmetrical.*

*I consider that the pervading metro-land character in Moor Park is overwhelmingly Arts and Crafts inspired and has a significant asymmetrical character. These proposed extensions are overly symmetrical and therefore fundamentally at odds with the pervading character of the Conservation Area and have a negative impact.*

*This negative impact is cumulative across the Conservation Area.*

*The demolition element still concerns me and this has been reduced. As discussed with the case officer, a method statement to describe the works and avoid any “accidental” collapse will be submitted, although I agree with Moor Park 1958 that how much of the original pre58 dwelling will genuinely remain?*

*The windows have been altered, although details at 1:20 will be required of the new windows.”*

- 4.1.4 Landscape Officer: No comments received. Any comments received will be verbally updated at Committee.
- 4.1.5 National Grid: No comments received. Any comments received will be verbally updated at Committee.
- 4.1.6 Herts & Middlesex Wildlife Trust: [No objection, subject to condition]

*“Our comments remain the same as those on the previous application for this site, i.e. that a condition securing the compensation measures be included in the planning decision if approved:*

*Condition:*

*All ecological measures including outstanding bat surveys and/or mitigation or compensation works shall be carried out in accordance with the details contained in the bat survey (GS Ecology January 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. If bats or their roosts are found, the development will apply the mitigation measures set out in the approved report. All mitigation measures will be fully installed prior to occupation and retained as such thereafter.”*

## **4.2 Public/Neighbour Consultation**

- 4.2.1 Number consulted: 7                      No responses received: 2

All neighbours were re-consulted for a further 14 days from 8 May 2018 following the receipt of amended plans. The re-consultation expired on 22 May 2018. A further 2 comments were received from neighbours that had previously commented.

4.2.2 Site Notice expired 29 March 2018

4.2.3 Press Notice expired 6 April 2018

4.2.4 Summary of Responses:

- From a broader perspective TRDC have continually failed to protect the architectural heritage and must now be held to account
- Proposal is too big
- Erodes my privacy
- Almost all the original structure is being demolished
- The original house will come down
- Trees in rear garden are being removed, further eroding the overall personality of Moor Park
- TRDC will let you get away with it – they always do
- Drainage, flooding and subsidence issues
- Documents added at the last minute
- Rooms in the attic are odd

The material planning considerations will be discussed in the following analysis section.

## **5. Reason for Delay**

5.1 Committee Cycle (Extension of time agreed to 30 May 2018).

## **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 CP1, 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, DM6, DM8, DM13 and Appendices 2 and 5.

### 6.3 Other

The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

Moor Park Conservation Area Appraisal (adopted 2006).

## 7. **Planning Analysis**

### 7.1 Overview:

7.1.1 The submitted proposal follows three previous submissions which were refused (17/0515/FUL & 17/1374/FUL) or withdrawn (17/2610/FUL) due to their impact on the Moor Park Conservation Area.

#### 17/0515/FUL:

7.1.2 This application was refused and involved substantial extensions to both sides and to the rear of the house, an increase in the ridge height, new front gable feature and a large basement close to the neighbouring boundary with No.3 Bedford Road.

7.1.3 The extensions comprised a collection of part single and part two storey additions which included a maximum depth of 6.5m at the rear and side projections at first floor level of 4.2m and 5.4m in width. The existing single storey side projections were to remain and be included as part of the proposal. A basement was also proposed and included two sunken patios at the rear.

7.1.4 Various alterations were also proposed to the original house including significant changes to the fenestration, the inclusion of a gabled front projection, increase in ridge height and the substantial removal of internal and external walls.

#### 17/1374/FUL:

7.1.5 This particular submission which was also refused comprised large extensions to both sides of the original house, a significant two storey rear extension, an increase in ridge height and rear basement.

7.1.6 The extensions to the side had widths of 4.1m and 5.6m at first floor level with the single storey side extension to the northern end of the house reduced in width. To the rear the extension projected 6m in depth at its maximum and extended beyond the original built form to both sides.

- 7.1.7 A basement was also proposed to the rear and included a sunken patio area to the south east.
- 7.1.8 Additional alterations were proposed to the windows within the front elevation, an increase in the ridge height and the removal of internal and external walls.

17/2610/FUL:

- 7.1.9 This application was withdrawn following concerns raised with regards to its impact on the character and appearance of the original house. The design incorporated the partial removal of the existing single storey side extensions and the erection of first floor side extensions to both flanks of the dwelling, a large two storey rear extension, increase in ridge height and a rear basement.
- 7.1.10 The extensions to the sides had widths of 3.6m at first floor level and were set back significantly from the adjacent front wall. At the rear the extension projected 5m from the original house and required large sections of the original house to be removed.
- 7.1.11 A basement was also proposed and included a sunken patio area to the rear.

Current submission:

- 7.1.12 Following the unsuccessful submissions the current proposal was proposed as described in section 3 above but has also been amended during the process as set out below:
- Reduction in width of two storey side extensions from 4.5m to 3.9m
  - Two storey side extensions set back from 0.5m to 1.5m
  - Discrepancies to ridge heights of two storey side extension corrected
  - Reduction in depth of two storey rear extension from 4.5m to 4m
  - Retention of existing chimneys
  - Rear dormer set down a further 0.2m
  - Planting of new trees to the northern boundary
- 7.1.13 During the application process attempts were sought to gain further amendments including a greater reduction in the width of the two storey side extensions and the width of the two storey rear extension.

7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 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' and 'conserve and enhance natural and heritage assets'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment. Appendix 2 of the Development Management Policies LDD sets out that development should not have a significant impact on the visual amenities of the area. Development should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to roof form, positioning and style of windows and doors, and materials.
- 7.2.3 As the site is located within the Moor Park Conservation Area, Policy DM3 of the Development Management Policies document is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area. In

addition, the Moor Park Conservation Area Appraisal (2006) provides supplementary planning guidance and is a material planning consideration in the assessment of applications within the Moor Park Conservation Area.

- 7.2.4 The Conservation Area covers a residential area developed between the 1920s and 1950s which is characterised by “Metroland” development of large detached two storey houses of individual design on plots along grass verged roads set back behind open frontages. As a result, the Moor Park Conservation Area has a distinctive and attractive residential environment with its significance both architectural and historical. In order to maintain the unique character of the area, the Appraisal states that the Council will give high priority to retaining buildings which make a positive contribution to the character or appearance of a Conservation Area and therefore will seek the retention of buildings on the estate erected up to 1958 when the original estate company was wound up.
- 7.2.5 The existing dwelling is a pre-1958 dwelling, a large two storey detached house set back from the road with a wide open frontage; characteristic of the area. Whilst the proposal does not seek to demolish the existing dwelling, large scale extensions may potentially erode the distinctive character of pre-1958 houses via the loss of original walls and features. In this instance, it is accepted that the existing house may not be of high architectural merit; however, a key characteristic of the area is the individual design of the properties and thus the retention/safeguard of pre-1958 dwellings is pivotal to the area’s architectural and historical significance.
- 7.2.6 As highlighted above this scheme has evolved from numerous unacceptable submissions which failed to preserve or enhance the character and appearance of the Conservation Area. To ensure that the original dwelling remains as a key focal point the current scheme would avoid substantial alterations to the front elevation (with the exception of the changes to the first floor windows and front storm porch) along with the entire retention of the front roofslope and the two existing chimneys. Due to the recessed siting of the proposed two storey side extensions and their roof design, incorporating a small cat-slide element, it is considered that their scale would be appropriate and would not significantly dilute the character of the original dwelling with the stepped principle elevation remaining as the key focal point. Notwithstanding the above, it is accepted that the proposed two storey side and rear extensions would wrap around the original dwelling towards the rear and thus concerns have been raised concerning the general scale of the scheme. During previous submissions the two storey rear extension extended beyond the original footprint and thus over-dominated the house eroding its original form whilst also adversely affecting key views within the Conservation Area through the loss of spaciousness. In this instance the two storey rear extension would project flush with the flank elevations of the original dwelling which helps to contain the extensions whilst also reducing the pressure to remove large elements of the original fabric. Whilst the two storey rear extension would be relatively deep at 4m, it would appear relatively subordinate with the bulk and massing mitigated further by its hipped roof form.
- 7.2.7 In respect of the retention of the original dwelling, the submitted plans clearly indicate the walls to be retained and those that are to be removed. Due to the nature of the extensions, a significant proportion of the original dwelling would remain in situ. At ground level, the existing side extensions either side of the house are to be removed and replaced by new additions which would not be as wide as those existing. It is recognised that the basement would put increased pressure on the retention of the original fabric, especially the rear walls of the house. Whilst a brief statement has been submitted along with drawings showing how the basement will be constructed, a pre-commencement condition has been recommended to require the submission of a Construction Method Statement to show clearly how the proposed works can take place without the substantial demolition of the original house and the protection of adjacent neighbouring properties.

- 7.2.8 In light of the above, whilst acknowledging that the scale of the extensions would still consume the majority of the original house, the predominate bulk of the additions would be positioned towards the rear, whereby public views from the Conservation Area are less evident given that both adjacent dwellings are angled towards the host property. It is accepted that the extensions would be evidently visible from Bedford Road; however, given the recessed nature of the two storey side extensions, their hipped roof design and the retention of a large majority of the original dwelling balanced against the heritage significance of the original dwelling, it is considered, on balance, that the extensions would preserve the character and appearance of the original dwelling and wider Conservation Area. Furthermore, based on the level of information submitted and the changes made during the application process it is also considered that the significant elements of the original house would be retained in accordance with the Moor Park Conservation Appraisal (2006).
- 7.2.9 When applying the proposal to the guidance set out within the Appraisal, it seeks that development should retain 20% of the site frontage free of built form with a minimum of 1.5m being kept clear between flank walls and plot boundaries; with this distance increased where a corner plot is involved. Due to the proposed removal of both existing single storey side extensions, of which the northern projection extends close to the shared boundary with No.3 Bedford Road, the proposal would improve the spacing between the extended dwelling and the flank boundaries to both sides, providing spacing of between 4.5m to 5.5m. Consequently, whilst acknowledging that the bulk and massing of the dwelling would be materially altered by virtue of the two storey additions, the scheme would enhance the sites spaciousness, a key component of the character of the Moor Park Conservation Area.
- 7.2.10 The Appraisal also states that in cases where the width of the existing building covers 80% or more of the plot width at the building line, further extensions towards the boundaries (or upwards) will not be permitted. The existing dwelling covers approximately 73% (dwelling is 24.2m in width / plot width is 33m in width – taken from front building line) of the plot width, although this figure is difficult to quantify given the splayed nature of the boundary with the plot decreasing in width towards the rear. The proposed extended dwelling would cover approximately 58% of the plot width (measured at the front building line) which highlights the improved spaciousness across the plot.
- 7.2.11 The Appraisal also states that buildings should not cover more than 15% of the plot area with the building cover including any areas at first floor level which over hang the ground floor or any built areas at basement level where these extend beyond the ground floor. Based on the submitted plans, the existing dwelling covers an area of approximately 9% while the proposed scheme would have a building coverage of approximately 14.4% (includes the basement projection beyond the ground floor) which accords with the guidance. The proposed basement, unlike previous submissions, is wholly contained beneath ground and therefore would not be visible from public vantage points.
- 7.2.12 In respect of dormer windows, the Appraisal states that, where acceptable, they must have good proportions and balance, appear subservient, placed well down from the main ridge and should have smaller windows than the main fenestration. Following amendments during the process the proposed rear dormer window would be well balanced, subservient to the roof and would be placed well down from the ridge thereby meeting the said guidance. It is also acknowledged that the dormer window would not be readily visible due to its positioning, set in-between the two proposed rear projections. Additionally, the proposed rooflights would not be visible from Bedford Road given that they would be inward facing. Concerns have been raised during the process in respect of the lack of internal roof height to facilitate habitable accommodation; however, the submitted plans show the loft to be used for storage and as a prayer room, not habitable accommodation. If planning permission is granted the applicant would still need to meet the relevant Building Control Regulations.

- 7.2.13 In terms of the changes to the main principle elevation it is important that new windows and any changes to the storm porch are sympathetic; although it is noted that the existing UPVC windows are not original and thus any replacements are likely to be enhancements, subject to future consideration. As such, a condition is recommended which seeks samples prior to above ground works.
- 7.2.14 As a result, when applied to the guidance set out within the Appraisal the proposal would fully comply while providing various enhancements which should be given weight in favour of the scheme. In addition, the complex roof forms which governed previous proposals have been replaced by more traditional hipped roofs which are more in-keeping with the general area.
- 7.2.15 In response to objections raised by the Conservation Officer, the original house was symmetrical and thus the proposal seeks to respond to its original form. In respect of oblique views from Bedford Road, the extensions by virtue of their reduced scale would now appear subordinate due to their recessed siting, set down hipped roof form and the removable of the existing single storey side extensions which enhances the plots spaciousness. Whilst further reductions were sought to reduce the scale of the extensions, based on the amendments to date, the scheme is considered, on balance, acceptable and would comply with Policy CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the Moor Park Conservation Area Appraisal.

### 7.3 Impact on Amenity of Neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.3.2 Due to the relationship between the host dwelling and those immediately adjacent, with both neighbours angled towards the application site, the extensions would not have an unduly prominent impact on neighbouring amenity. The proposed two side extensions would be set well within the application site, positioned at sufficient distances from the boundaries to prevent the extensions from having a detrimental impact in terms of loss of light or appearing un-neighbourly.
- 7.3.3 In respect of two storey rear extensions, Appendix 2 states that they should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. Due to the relationship between the host dwelling and the neighbouring houses the two storey rear extension would not intrude the 45 degree splay line. The proposed two storey rear extension would be set in from the shared boundary with No.3 Bedford Road to the north by 9.5m and 8m at its closest point with No.7 Bedford Road to the south. Whilst the single storey elements would be closer to the neighbouring boundaries, sufficient spacing would still be maintained to prevent any impacts on residential amenity.
- 7.3.4 In terms of overlooking, concerns have been raised about potential views into neighbouring gardens. Due to the angle of the dwelling facing in an easterly direction, no overlooking potential would occur into the private amenity area of No.3 Bedford Road. No flank windows are proposed within the first floor walls or roofslopes. A condition has been recommended to remove the ability to install further windows without the requirement to submit a new planning application to protect privacy levels at adjacent properties. In relation to No.7 Bedford Road, it is recognised that outlook from the rear windows would

have views into the rear garden of the neighbouring property. However, it is not considered that the proposed views would be materially different to those achievable from the existing first floor windows. Whilst more elevated views would be possible from the first floor and rear dormer, no overlooking into the private zone (an area 3m from a wall of a neighbouring dwelling) would occur. Additionally, no flank windows are proposed within the flank elevations and roofslopes facing towards the neighbour.

7.3.5 Due to the siting of the rooflights, looking inwards between the rear extensions, no overlooking issues would arise.

7.3.6 In light of the above the amended proposal would not result in any harm to neighbouring amenity through loss of light, outlook or overlooking.

#### 7.4 Trees and Landscaping

7.4.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that 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. Policy DM6 further states that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.

7.4.2 As the application site is located within the Moor Park Conservation Area all trees are afforded a degree of protection by virtue of the Conservation Area status. A number of trees would be removed to facilitate the extensions at the rear; however, none are individually protected nor are they of high amenity value. Whilst the Landscape Officer has not provided any formal comments to date, previous comments submitted under applications 17/1374/FUL and 17/0515/FUL raised no objections to the removal of the trees to the rear.

7.4.3 Within the frontage there is a large mature Cedar tree which will require physical fencing protection including the trees on the south eastern boundary. A condition has been recommended to ensure tree protection measures are in place prior to commencement.

7.4.4 The submitted Tree Assessment confirms that the proposed extensions are outside the Root Protection Areas of protected trees.

7.4.5 When considering the loss of trees to the rear it is proposed to plant new trees between the extended dwelling and the northern boundary. As further information is required in terms of type of species and their location a soft landscaping condition is recommended.

#### 7.5 Environmental Risk:

7.5.1 The application site falls within Flood Zone 1 and the proposal includes the construction of a large basement and thus was supported, in accordance with the Moor Park Conservation Area Appraisal, by a Flood Risk Assessment. The assessment seeks to address that no surface water flooding will occur as a result of the basement construction and that there will be no material harm to any underground water courses in the vicinity.

7.5.2 As the site falls within Flood Zone 1, the National Planning Policy Framework permits residential developments and no Exception Test is required. From information from the Environment Agency, the site falls within an area of "low" risk of flooding from surface water sources. The updated Flood Risk Assessment provided in May concluded that there would be a 91m<sup>2</sup> increase in impermeable surfaces post development. As such there is a storage requirement of 3.1m<sup>3</sup> which could be provided in the form of below ground Geocellular Systems; although the same report suggests that infiltration is unlikely due to the site being underlain in clay and thus suggests that further investigative tests are

conducted to better understand whether this method is viable. A pre-commencement/Grampian style condition is therefore recommended to seek further investigations prior to any work on site to understand whether the basement would address concerns over surface water flooding.

7.5.3 The submitted Basement Impact Assessment states that considering the local water table, which is within the Chalk aquifer below the site (approximately 9m below the basement formation), it will never reach the basement level. As such it is considered that there would be no risk of disruption of groundwater flow below or around the site as a result of basement construction.

7.5.4 Subject to a condition seeking more information about whether suitable mitigation measures can be provided and maintained for the development's lifetime to avoid surface water flooding, the proposal is considered acceptable.

#### 7.6 Amenity Space Provision:

7.6.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision. The proposed extensions and alterations would result in a four bedroom dwelling (although it is acknowledged that certain rooms could be used as bedrooms). Nevertheless, due to the size of the plot the resultant amenity space within the rear garden of approximately 1000sqm would far exceed the indicative levels set out within Appendix 2.

#### 7.7 Highways, Access and Parking:

7.7.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District. As previously detailed, the proposed extensions and alterations would result in a four plus bedroom dwelling.

7.7.2 Appendix 5 states that four or more bedroom dwellings should provide three assigned spaces within the curtilage. As a result of the proposed works, the existing double garage would be reduced to a single garage, though the existing large carriage driveway would be retained which provides off street parking for at least four vehicles. This would total five spaces within the curtilage which would be compliant with parking standards.

7.7.3 No changes to the existing access points are proposed nor are any further increases shown to the existing hard surfacing area within the frontage. Additional hard surfacing would require planning permission in its own right.

#### 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 The application is accompanied by a biodiversity checklist and a preliminary Bat Roost Assessment dated January 2017. The assessment concluded that the dwelling had “moderate” potential to host roosting bats and that further surveys (between May and September) were required. Herts & Middlesex Wildlife Trust commented that if the application was to be approved, a condition should be imposed (see Condition 7). The assessment is currently in the process of being updated.

7.8.4 Given the nature of the development, it is not considered that there would be any significant impact on any protected species or wildlife, nor would the development compromise the integrity of the Green Infrastructure, therefore complying with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

#### 7.9 Infrastructure:

7.9.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to provision of infrastructure and the Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. This is a charge on new developments for use towards infrastructure projects within the District. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions. The application site is within Area A for which the charge per square meter of residential development is £180.

#### 7.10 Conclusion

7.10.1 In summary, whilst acknowledging that the scale of the extensions proposed are large, it is not considered that they would unacceptably affect the original character of the pre-1958 dwelling or result in its substantial demolition. As such, the amended proposal would, on balance, when considering the architectural merit of the dwelling, preserve the character and appearance of the dwelling and wider Moor Park Conservation Area. In addition, the proposal, subject to conditions, would not harm neighbouring amenity or result in any other harm. Accordingly, the proposal would comply with Policies CP1, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies document (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

### 8. **Recommendation**

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be maintained in accordance with the following approved plans: 5554.PL.Site Rev A; 5554-PL 005 Rev C; 5554-PL 006, 5554-PL 007 Rev B & 16/102/2 Rev A.

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Moor Park Conservation Area, in accordance with Policies CP1, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

C3 No development or other operation shall commence on site whatsoever until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall include details of how the development, including construction of the basement, can take place whilst retaining all existing walls shown on approved plans 5554-PL 005 Rev C & 5554-PL 007 Rev B as well as the character features of the dwelling including the roof form and the two chimneys. The development shall only be implemented in accordance with the approved Construction Method Statement.

Reason: To ensure that the original pre-1958 dwelling is retained and to safeguard neighbouring properties in accordance with the Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

C4 No development or other operation shall commence on site whatsoever until further investigative tests have been conducted on site in respect of providing attenuation storage for the basement as set out within the Flood Risk Assessment Final v1.0 (dated May 2018) prepared by *ambiental*. The results of the investigations shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved mitigation measures and be permanently maintained thereafter.

Reason: To prevent any unacceptable risk of flooding on site and elsewhere and to meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C5 Prior to commencement of the development hereby permitted, 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 shall be protected from any damage during site works, in accordance with the drawing number 16/102/2 Rev A attached within the submitted Arboricultural Survey, Impact Assessment, Method Statement and Tree Protection Plan dated 9 May 2018 which has been 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. 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 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials (brickwork, roof tiles, storm porch, windows, external doors and garage door) 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 preserve the character and appearance of the dwelling and the wider Moor Park Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C7 Prior to the first occupation of the extended dwelling hereby permitted, a scheme of soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained shall be submitted to and approved in writing by the Local Planning Authority.

All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation for a period for five years from the date of the approved scheme was completed.

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C8 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 or similar openings [other than those expressly authorised by this permission] shall be constructed in the side elevations at first floor level or roof slopes of the extensions 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).

- C9 All ecological measures including outstanding bat surveys and/or mitigation or compensation works shall be carried out in accordance with the details contained in the bat survey (GS Ecology January 2017) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. If bats or their roosts are found, the development will apply the mitigation measures set out in the approved report. All mitigation measures will be fully installed prior to occupation and retained as such thereafter.

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).

## 8.2 Informatives

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](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 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Applicants are advised that paragraph 3.8 of the approved Moor Park Conservation Area Appraisal (2006) specifically seeks to protect underground water courses that may be impacted as a result of the construction (or extension) of basements within the Conservation Area. Consequently the applicant is requested to have careful regard to this matter and especially, in the carrying out of the development, to ensure that:-
  - (i) no surface water flooding will occur as a result of the basement construction and
  - (ii) that there will be no material harm to any underground water course(s) in the vicinity of the site as a result of the basement construction.