

7. 18/1007/FUL- Two storey and single storey rear extension, extension to basement and alterations to fenestration detail at NORMANDY, 7 WOLSEY ROAD, MOOR PARK, HA6 2HN (DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 25.07.2018

Ward: Moor Park and Eastbury
Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee.

1 Relevant Planning History

- 1.1 01/01290/FUL: Two storey rear extensions, single storey side extension, alterations to positioning of windows. Application permitted, not implemented.
- 1.2 02/01507/FUL: Revised application: Two storey rear extensions, single storey side extension, alterations to positioning of window. Application permitted. Permission implemented
- 1.3 04/1462/FUL: Two storey side extension. Application permitted. Permission not implemented.
- 1.4 15/0138/FUL: Two storey side extension and extension to basement; single storey side extension; single storey rear conservatory extension; loft conversion including increase in ridge height of part of roof, two rear dormers, two flank dormers and rooflights; internal alterations and alterations to fenestration. Application refused for the following reasons:

R1 The proposed development by reason of its design, height, bulk and massing would adversely affect the character and appearance of the application dwelling, streetscene and wider Conservation Area, 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) and the Moor Park Conservation Area Appraisal (adopted 2006).

R2 The proposed single storey side extension would be in close proximity to a Eucalyptus Tree protected by Tree Preservation Order TPO503. The application is not accompanied by a Tree Survey, in accordance with British Standard 5837:2012 'Trees in relation to design, demolition and construction- Recommendations' to demonstrate that the development would not adversely affect this tree to the detriment of the character and visual amenities of the area. The need for, and benefits of, the development would not outweigh harm to the protected tree and the development would therefore be contrary to the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM3 and DM6 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

- 1.5 15/1531/FUL: Proposed two storey side, single storey other side extension, single storey rear conservatory extension, roof alteration to provide loft conversion with two side and two rear dormers with roof lights and associated internal alteration. Application withdrawn.
- 1.6 15/2145/FUL: Two storey side extension and extension to basement, single storey side extension, rear conservatory extension and associated internal alterations. Application refused for the following reasons:

The proposed development by reason of its scale, design, massing and cumulative impact of existing and proposed extensions and alterations would adversely affect the character

and appearance of the application dwelling, streetscene and wider Conservation Area, 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) and the Moor Park Conservation Area Appraisal (adopted 2006).

The proposed single storey side extension would be in close proximity to a Eucalyptus Tree protected by Tree Preservation Order TPO503. The submitted Arboricultural Impact Assessment (dated 22 June 2015) fails to demonstrate that the development would not adversely affect this tree to the detriment of the character and visual amenities of the area. The need for, and benefits of, the development would not outweigh harm to the protected tree and the development would therefore be contrary to the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM3 and DM6 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

Appeal dismissed.

2 Description of Application Site

2.1 The application site consists of a two storey detached dwelling located on the north eastern side of Wolsey Road. 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.

2.2 The application site contains a pre-1958, two storey detached dwelling with basement. In determining the appeal relating to application 15/2145/FUL, the Inspector described the design of the dwelling as follows:

'The front elevation has two hipped ends with double storey bay windows below. The south facing side elevation has a fairly central hipped end, also over two storey bay windows. The latter reflect those at the front and these are important unifying features of the building. At the side of the south elevation, nearest the street there is a catslide roof which adds further visual interest. I share the view of the Council's Conservation Officer that this elevation has an elegant appearance.

The rear elevation has three hipped ends with the central part being recessed. There also steps up to the back entrance with a balustrade, adding further interest. These factors and the batter of windows give the elevation a balanced and fairly symmetrical appearance. The dwelling has a fairly complex but cohesive and balanced roof form, characterised by a series of dual pitches with hipped ends'.

2.3 It is noted that the application site is located at a higher land level to both adjacent neighbours. The rear building line of the application dwelling is set slightly further back to the rear relative to the rear wall of the neighbouring dwellings. Beyond the rear of the existing building is a paved patio area with steps down to the remaining rear garden area which is laid to lawn.

2.4 To the front of the dwelling is an existing driveway which provides ample provision for off street car parking.

3 Description of Proposed Development

3.1 The applicant is seeking full planning permission for a two storey and single storey rear extension, extension to basement and alterations to fenestration detail.

- 3.2 The proposed two storey rear extension would be the same width as the existing dwelling, however, it would have a staggered depth. The extension would have a minimum depth of 2.5m to either side, with the central element having a depth of approximately 4m for a width of approximately 4.5m. The roof form would consist of two catslide roof forms with first floor dormer style window, whilst the deepest (central) element of the extension would have a hipped roof form.
- 3.3 A single storey rear extension is proposed which would be located to the rear of the two storey extension. The single storey element would have a depth of 1.5m beyond the rear of the two storey extension. The rear wall would be flush with the rear wall of the 4m deep two storey rear extension which is sited centrally. The single storey extension would have a flat roof form with a height of 3m from the finished floor level. Beyond the two storey rear extension, a raised terrace is proposed with a depth of 1.7m and a height 1.2m.
- 3.4 A single storey rear extension is also proposed beyond the rear wall of the existing garage. It would have a depth of 3.9m and a width of 3.4m. It would have a maximum height of 4.2m.
- 3.5 The existing basement area would be extended rearward and would have a maximum depth of 8.5m and would extend the width of the dwelling. Three sets of bi fold doors would be located at basement level to the rear elevation.
- 3.6 Alterations to fenestration detail are also proposed. The front door would be relocated so that it would be set centrally within one of the existing bay projections rather than to one side of the dwelling. In addition, existing openings to the south elevation would be blocked up and two new windows are proposed in their place. To the northern flank elevation, two windows are first floor level would be blocked up with two new windows proposed in their place.
- 3.7 Amended plans have been received during the course of the application. These reflect the following changes:
- Depth of two storey rear extension reduced from a maximum depth of 5.7m to 4m, and a minimum depth of 3m to 2.5m.
 - Depth of single storey rear extension reduced from 4.5m to 4m.
 - Bi-fold doors removed at ground floor level and replaced with three sets of patio doors with windows.

4 Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [No objection]

7 Wolsey Road is in the Moor Park Conservation Area and is a heritage asset of value and significance. This partly tile hung 1920s house displays attractive swept gables and a notable front bay and large Arts and Crafts style chimney. The front elevation has two hipped ends with double storey bay windows below. The south facing side elevation has a fairly central hipped end, also over two storey bay windows. This has an elegant appearance.

15/2145/FUL was refused at this site and the subsequent appeal was dismissed. Conservation comments were made on this 2015 proposal.

18/1007/FUL - The two previously proposed side extensions under the 2015 application have now been deleted.

A new further amendment to this 2018 proposal been submitted and has further reduced the proposal by substantially reducing the bulk of the proposal.

On balance this 2018 application is now acceptable and I would raise no objection.

4.1.2 Moor Park 1958: [Objection]

1. We consider that the 2016 appeal decision, that dismissed the appeal against the Council's refusal of planning permission under ref 12145/FUL to be a direct and material planning consideration in the determination of this latest application at this pre-58 dwelling within the Moor Park Conservation Area.

As a result, we would contend that the Inspector's findings and decision deserves to be afforded full weight, by virtue of being (i) related specifically to the current application site (ii) being sufficiently recent (approx. 2 years ago) and (iii) there being no material change of planning circumstances in the interim.

We note that the proposed front elevation is now considerably improved (compared to the dismissed appeal), by virtue of the deletion of the two, previously proposed, side extensions. In our opinion, the changes that are now proposed to the front elevation are considered to have minimum impact on the appearance of this important pre58 dwelling that dates from the 1920's.

However, we submit that the full provisions set out in para 3.1 (and 2.7) of the approved Moor Park Conservation Area Appraisal (MPCAA) need to be taken into account by the Council in the determination of this latest application.

We wish to make our argument 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 the front elevations or facades of these pre58 dwellings, but the WHOLE of the building/dwelling.

To emphasise this point, we note that in paragraph 5 of the appeal decision, the Inspector considered that the dwelling is an "individual building of significant architectural merit ". He describes the features and characteristics of the front and side elevations and then, in due turn, in Paragraph 6, he specifically identifies the key features and overall architecture of the rear elevation.

Having done so he concludes that "the dwelling has an attractive and distinctive appearance that contributes positively to the architectural quality of the Area". In paragraph 9 he notes how the earlier appeal scheme, with its "extent of glass, including the roof, would be at odds with the noticeably more 'solid' character at the rear". Consequently, in our opinion, the Inspector concluded that the rear elevation of the property was just as worthy of protection from extensions/adverse forms of development as the other elevations. And we would agree.

Consequently, in the context of the current application, we consider that the mass, proportions, scale, width and design of the proposed two/three storey rear extension, with its attendant two levels of extensive and substantial glazing, its projection across the full width of the dwelling and its full height to the existing ridge line, fundamentally over-dominates and entirely overwhelms the form, design, scale and appearance of the existing rear elevation of this important pre58 dwelling within the Moor Park Conservation Area. As a result, the scheme fails to preserve or enhance the character or appearance of the property within its designated Conservation Area setting and as such we consider that it should be refused.

2. Part of paragraph 3.4 of the MPCAA states the following:-

"the bulk and massing of large extensions will also be considered in terms of consistency with the characteristic building form of the Conservation Area. Deep floor plans that entail substantial rearward projection at flank walls, tend to block oblique views of trees and back garden drops from the street past houses on the street frontage. Where this affects the spacious character of the conservation area and gives the impression of space between houses being reduced or gaps being closed up, deep floor plans are unlikely to be acceptable".

From the submitted drawings it is clear that the depth of the proposed two/three storey rear extension on both flanks, but especially the southern flank, would result in a substantial increase in the depth of the dwelling and this is considered to be excessive and, in our opinion, represents exactly the style of unacceptable development as described in para 3.4 of the approved MPCAA.

As a result, we consider that the openness, and resultant character, of the Conservation Area, and spacing between dwellings in the street scene, would be materially harmed and we therefore wish to raise this as a further objection to the scheme. In this respect alone the proposals would, in our opinion, materially fail to preserve or enhance the character or appearance of the Conservation Area.

3. Notwithstanding our "in principle" objections as above, we would also wish to register our strong objections in regard to the proposed substantial increase in the size of the basement at the dwelling. This is raised in the context of the provisions expressed in paragraph 3.8 of the approved MPCAA and, in particular, that part of para 3.8 where specific concern is expressed 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 request that the Council seeks specific clarification on both of these aspects prior to the determination of the application.

4. Finally, a separate part of paragraph 3.4 of the MPCAA sets a maximum plot coverage of 15% and we note that the current application proposes a plot coverage of approx. 16.1%.

We consider that the size, scale and depth of the proposed two/three storey rear extension, combined with the proposed plot coverage in excess of the provisions of the MPCAA, would result in a form of development that would undermine and adversely impact on the open character of the Conservation Area on this plot. Consequently, we would also wish to object to the development on this ground.

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 require a reduction to the footprint of the proposed development, in order for it to adhere to the maximum 15% provisions of para 3.4 of the MPCAA.

In addition, it is clearly highly possible for outbuildings to be erected on the plot under the terms of residential permitted development and thereby take the plot coverage above the 16.1% shown in the current application and thus even further above the 15% maximum referred to in para 3.4 of the MPCAA to the consequential further detriment of the openness of the site.

In our opinion this should be taken into account by the Council in the assessment and determination of the application.

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.

A further objection from Moor Park 1958 following the receipt of amended plans:

We refer to the above matter and write in response to the latest set of amendments to the scheme that have been submitted since the submission of the planning application and prior to the application being presented to Planning Committee under the Council's "call-in" procedures.

We have now had the opportunity to review this latest set of amended plans and would wish to comment as set out below.

In the first instance, however, we would like to stress that the point of the exercise of this latest set of drawings should NOT be for officers or Members to consider the extent to which a little bit of improvement might have been achieved to the submitted application solely by the modest "shaving off" of a little bit more of the proposed development, but to consider the material impact of the development shown in these latest plans upon the scale, character and important features of the entirety of the existing pre-58 dwelling.

In our original letter of objection, we stressed, inter alia, that all dwellings in the Moor Park Conservation Area that were erected prior to 1958, and that still retain elements of their original scale, proportions and individual features, are regarded as making a "positive contribution to the character and appearance of the Conservation Area". All these factors apply to the application property at 7 Wolsey Road.

We also stressed the importance of the 2016 appeal decision (that dismissed an earlier scheme at the application site) where, in paragraph 5 of the appeal decision, the Inspector considered that the dwelling was an "individual building of significant architectural merit". He described the features and characteristics of the front and side elevations and then, in due turn, in paragraph 6, he specifically identified the key features and overall architecture of the rear elevation.

Having done so he concluded that "the dwelling has an attractive and distinctive appearance that contributes positively to the architectural quality of the Area".

In Paragraph 9 he noted how the earlier appeal scheme, with its "extent of glass, including the roof, would be at odds with the noticeably more 'solid' character at the rear".

Consequently, in our opinion, the Inspector concluded that the rear elevation of the property was just as worthy of protection from extensions/adverse forms of development as the other elevations. And we would agree.

In light of this extremely relevant and material consideration, the key question now is NOT whether the latest amendment to the scheme has had enough sliced off it to make it "better" than the original submissions under ref 18/1007/FUL, but to assess whether the latest drawings properly and adequately respect the scale, character and appearance of the dwelling at the rear of the property (as alluded to by the Inspector when he dismissed the 2016 appeal).

In our opinion, while the latest set of drawings have reduced the depth of the upper parts of the rear extension by a small extent and have reduced the extent of glass to the ground floor (middle level of the rear elevation) as compared to the original submissions, the

really telling exercise is to place the drawings of the latest rear elevation alongside those of the EXISTING rear elevation.

Having done so, it is very clear that the scale and range of the proposed (revised) extension and alterations, combined with the selected style of "floor to ceiling" glazing in the excavated lower (basement) level, still totally overwhelms and over-dominates the character, proportions and style at the rear of the existing property.

As a result, and notwithstanding the latest set of drawings, we wish to reaffirm our strong objections to the scheme and consider that, for the above reasons, the proposals fail to preserve or enhance the character and appearance of the property within its Conservation Area setting.

Furthermore, in accordance with our previous letter of objection, we still wish to maintain our submitted objections as set out in paragraphs 3 and 4, in terms of (i) the proposed excessive basement size and its potential adverse impact on underground water courses (as per para 3.8 of the MPCAA) and (ii) the excessive plot coverage of 16.1% (as per para 3.4 of the MPCAA).

We hope this information is of assistance to you and will be taken fully into account in the assessment and determination of the application.

4.1.3 Landscape Officer: [Initial objection withdrawn following the submission of additional information]:

The Landscape Officer originally objected to the proposed development; the objections are set out below. In response, the applicant submitted additional information. Following consideration of this information the Landscape Officer has removed their objections subject to conditions:

Further to previous comments the applicant has commissioned the following:

- i) Tree Survey and Tree Constraints Plan*
- ii) Arboricultural Implication Assessment (AIA)*
- iii) Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP)*

These documents have assessed all trees impacted upon by the proposals and provided details as to Root Protection Areas (RPAs) protective fencing and other protection measures such as ground protection etc.

This has gone a significant way to ensure that any damage to trees is minimised and as a result provided that the following conditions are put in place, I withdraw any previous objections to the proposals. I would recommend the following conditions are imposed:

No Lopping/felling: No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed, shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local Planning Authority during development and for a period of five years after completion of the development hereby approved. Any topping or lopping approved shall be carried out in accordance with BS: 3998 (2010) 'Recommendations for tree works'. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1 October to 31 March) following their loss or removal.

Reason: The existing trees/hedgerows/shrubs represent an important public visual amenity in the area and should be protected in accordance with 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).

Arboricultural Method statement: No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site. The approved scheme is the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated 23/07/2018 and produced by Writtle Forest Consultancy (Ref: 180719).

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: To ensure that the protected trees are not affected during construction of the development hereby permitted, in the interests of visual amenity and 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).

Arboricultural Method Statement – No development or other operation shall commence on site until a scheme (herein called the Approved Method Statement of Arboricultural Works Scheme) which indicates the construction methods to be used in order to ensure the retention and protection of tree, shrubs and hedges growing on or adjacent to the site has been submitted to and approved in writing by the local planning authority.

No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site. The approved scheme is the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated 23/07/2018 and produced by Writtle Forest Consultancy (Ref: 180719).

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: To ensure that the protected trees are not affected during construction of the development hereby permitted, in the interests of visual amenity and 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).

Previous objections received in relation to the proposed development:

Although the proposal does not impact upon any on site trees, it will have an impact on off site trees located close to the site boundary.

There is a very nice eucalyptus tree immediately adjacent to the proposed rear extension and a veteran oak tree located further down the northern boundary line. The proposal will have a significant and detrimental impact upon the eucalyptus trees, particularly in respect to the proposed basement. It is also highly likely that the proposed basement, in respect to level changes and ground works, will impact upon the root protection area, and in turn the continued health of the oak tree.

It is clear that these trees, which are a material consideration within the planning process, have not been considered within the design of the proposed layout. Both trees are attractive specimens, in good health, and would be suitable for inclusion within a TPO. Both trees are located off-site and therefore under separate ownership and not under the control of the applicant or their agent.

In light of the above information I would wish to raise objections to the proposal and request that it is refused for arboricultural reasons.

4.1.4 Batchworth Community Council: [Objection]

Support Moor Park (1958) Ltd in their objections to the proposed development on the grounds that the extension is excessive and over-sized; the rear of the house has some merit and should be preserved and not demolished; and the basement is prone to flood.

4.1.5 National Grid: No comments received. Any comments will be verbally updated to committee.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7 No of responses received: None received

4.2.2 Site Notice: Expiry 02.07.2018 Press notice: Expiry 29.06.2018

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2018 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.2 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, 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, DM10, DM13 and Appendices 2 and 5.

6.3 Other

Moor Park Conservation Area Appraisal (adopted 2006).

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

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

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

7 **Planning Analysis**

7.1 Impact on Character and Street Scene

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (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'.

7.1.2 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.

7.1.3 The existing two storey detached dwelling in its current form is considered to contribute positively to the character and appearance of the street scene and the wider Moor Park Conservation Area. In determining the 2015 appeal, the Inspector noted the following with regard to the character of the existing dwelling and its wider contribution:

'Given the diversity of design in the vicinity I have no reason to believe that the dwelling at 7 Wolsey Road is necessarily characteristic of the Area as a whole. However, in itself I consider it to be an individual building of significant architectural merit'...

And

'...the dwelling has an attractive and distinctive appearance that contributes positively to the architectural quality of the Area. This is the case despite the small area of flat roof at

eaves level between the catslide roof and hip end in the south facing side and the ground floor addition to the other side, which has a largely flat roof with a mono pitched part around the outside. Because of the fairly modest scale and extent of these features they do not unduly detract from the overall quality’.

- 7.1.4 The proposed two storey and single storey extensions would be located to the rear. Given the large degree of spacing between no.7 and no 7A, the extensions would be visible from the frontage. Concern was raised by officers with regard to the original plans as it was considered that the extensions as originally proposed by reason of their depth would significantly increase the bulk and massing of the dwelling and would detract from the visual amenities of the dwelling and the wider Conservation Area. In response, amendments have been received which have reduced the depth of the two storey extensions from 5.7m to 4m (for the central element) and 3m to 2.5m. This has resulted in a reduction in bulk and massing of the development. It is acknowledged that due to the spacing between the two dwellings, the extension would still be visible. However, it is not considered that this would result in demonstrable harm to justify refusal, given the reduction in depth and the design of the roof form as hipped. Furthermore, the nature of the development as set to the rear of the site ensures that the existing catslide roof form and the bay windows within the southern elevation would be retained. These features are visible from the road frontage and were noted by the Inspector to be central to the architectural style and character of the dwelling:

‘The south facing side elevation has a fairly central hipped end, also over two storey bay windows. The latter reflect those at the front and these are important unifying features of the building. At the side of the south elevation nearest the street there is a catslide roof which adds further visual interest. I share the view of the Council’s Conservation Officer that this elevation has an elegant appearance.

- 7.1.5 It is also noted that in dismissing the previous application, the Inspector discussed the architectural design of the rear elevation:

‘The rear elevation has three hipped ends, with the central part being recessed. There are also steps up to the back entrance with a balustrade adding further interest. These factors and the pattern of windows give the elevation a balanced and fairly symmetrical appearance. The dwelling has a fairly complex but cohesive and balanced roof form, characterised by a series of dual pitches with hipped ends’.

- 7.1.6 Moor Park 1958 have raised concern stating that the development would result in significant harm to the character and appearance of the rear elevation, noting that the massing, width, height and design including significant elements of full height glazing would overwhelm the rear elevation of the dwelling. Officers also raised concern with regard to the original plans and in response, the reduced depth of the extensions have reduced the massing of the development which has minimised the impact of the development particularly when viewed from the frontage. In terms of the design, the roof form would consist of three separate hipped roof elements and therefore would reflect the design of that existing. The proposal would retain a balanced and symmetrical appearance to the rear.

- 7.1.7 With regard to the fenestration detail, Officers also raised concern with regard to the detail indicated on the original plans as it was considered that the significant number of full height bi fold doors across two levels created a vertical emphasis which was at odds with the style of the existing fenestration. In response, amendments have been made to the ground floor fenestration detail removing the bi fold doors and amending them to patio doors with single casement windows to either side. This is considered to be more sympathetic to the character of the existing dwelling and minimises the impact of the glazing on the rear elevation. It is acknowledged that the basement area would still include bi fold doors across the rear elevation, however, on balance, it is not considered

that this would result in demonstrable harm given the other amendments made. It is also emphasised that the design of the rear elevation is materially different to that previously dismissed on appeal which included a rear conservatory which was considered by the Inspector to be a 'somewhat contrived, awkward and poorly related feature'. The current plans include a rear terrace with glass balustrade. Whilst this would create a more contemporary appearance than existing, it is not considered that this in itself would be unacceptable.

- 7.1.8 An extension is also proposed to the rear of the existing garage. At the time of the previously refused application, a larger extension was proposed in this location. In dismissing the appeal, the Inspector stated:

'However, the proposed development would result in a full height single storey projection along the north facing side. It would have the same roof form as the existing noticeably smaller feature. The resultant expanse of flat roof, despite the perimeter slope would unacceptably detract from the pitched roof character and cohesion of the dwelling.'

- 7.1.9 The proposed single storey extension would still be full height, however it would be of a significantly reduced depth from 8.5m to 3.8m and therefore would not dominate the side elevation of the dwelling. Given the reduced scale of the flat roof form, it is not considered that this would detract from the pitched roof character and cohesion of the dwelling.

- 7.1.10 To the front elevation, the applicant is proposing to amend the fenestration detail which would involve relocating the front door of the dwelling to within the ground floor bay projection. This is considered to be a sympathetic alteration which would not detract from the appearance of this pre 1958 dwelling. The alterations to fenestration detail to both flank elevations involving the blocking up of a number of openings and the addition of new windows are also considered to be appropriate and would not detract from the character and appearance of the dwelling. The applicant has specified that all materials would match those of the existing dwelling and a condition would be added to ensure that this would be the case.

- 7.1.11 In summary, it is considered that the development would not result in harm to the character and appearance of the existing dwelling or wider Conservation Area. Whilst it is acknowledged that the proposed development would increase the bulk and massing of the development, its siting mainly to the rear of the existing built form ensures that key architectural features to the front and side elevations would be retained. As such, the development is considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD.

7.2 Moor Park Conservation Appraisal Criteria

- 7.2.1 The Moor Park Conservation Area Appraisal contains specific guidance relating to the assessment of development within the Conservation Area. This is to ensure that the special and spacious character of the area is retained.

- 7.2.2 Paragraph 3.4 of the Appraisal sets out that in order to maintain the spacious open character of the estate, a minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevation. In this case, the extensions would be located to the rear of the existing dwelling and garage and therefore would not impact on the spacing to the boundaries.

- 7.2.3 In addition, the Appraisal sets out that 'buildings including all out buildings (garages, car ports etc., should not cover more than 15% of the plot area. The building cover includes 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'. The plot area measures approximately 1,923sq.m and the ground floor of the dwelling is calculated to have an

external floor area of approximately 288 square metres which would equate to a plot coverage of 14.9%. This is therefore considered to be acceptable and ensures that the development would not impact on the spaciousness of the plot and the wider Conservation Area.

7.3 The Moor Park Conservation Area Appraisal also provides guidance on basements and states that basements which are evident on street elevations are considered uncharacteristic. In this case, the basement would not be evident to the front elevation and as a result would not be contrary to the requirements of the Appraisal.

7.4 Impact on amenity of neighbours

7.4.1 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.

7.4.2 In respect of two storey rear extensions, Appendix 2 of the Development Management Policies states the following:

'Rear extensions 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. This principle is dependent on the spacing and relative positions of properties, land levels and the positions of windows and extensions on neighbouring properties'.

7.4.3 The submitted block plan indicates that there would be no intrusion of the 45 degree line from either of the neighbouring properties. Furthermore, given the spacing to the boundaries (approximately 3.6m from the boundary with no.5 and approximately 9.5m from the boundary with no 7A) and the hipped nature of the roof form, it is not considered that the development would be unduly overbearing or prominent. The single storey rear extension would be flush with the central two storey element. Given the spacing to the boundaries, it would not have any adverse impact in terms of light or being overbearing to justify refusal.

7.4.4 With regard to the single storey extension to the rear of the garage, it would not project any closer to the shared boundary with No.5 Wolsey Road than the existing flank wall of the garage. It would be of limited depth and would not project beyond the rear wall of the application dwelling or the neighbouring dwelling. Therefore, given the single storey nature of the extension and the distances between properties, it is not considered that this aspect of the development would result in any loss of residential amenity. It is noted that a window would be located in the flank wall of the extension serving the utility room. Again, given the distance to the boundary and that this window would be at ground floor level, it is not considered that any significant harm would occur in terms of overlooking.

7.4.5 Alterations to fenestration detail are also proposed. This includes re-locating the existing front door so that it would be located within the central bay projection. Given its location away from both boundaries, it is not considered that any significant harm would occur. With regard to the new windows within the first floor south elevation, the plans indicate that both would serve en-suite bathrooms which can be conditioned to be obscure glazed and top vent opening only. The proposed first floor windows in the northern flank elevation would also serve non habitable accommodation (a bathroom and dressing room) and can again be conditioned to be obscure glazed and top vent opening only.

7.4.6 The application also includes a raised rear terrace area. Whilst no.7 is located at a higher land level to both neighbours, it is considered that given the limited depth of the terrace at

1.7m and the spacing to the boundaries, that there would not be significant harm in terms of overlooking.

7.4.7 In summary, subject to conditions, the development would not result in demonstrable harm to the residential amenity of neighbouring occupiers and would be acceptable. The development would be in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.5 Amenity Space

7.5.1 The dwelling has a large rear amenity space which would be sufficient for present and future occupiers of the application site.

7.6 Wildlife and Biodiversity

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

7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. However, given that the proposal would result in significant alterations to the dwelling, including works which adjoin the existing roof, it is considered appropriate to attach an informative to any permission granted reminding the applicant of their obligations in respect of bat protection.

7.7 Trees and Landscaping

7.7.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.7.2 The site is within the Moor Park Conservation Area where trees are a key feature and Section 2.5 of the MPCA specifically highlights that 'trees are integral to the character of the Conservation Area' and that 'the landscape qualities of the Conservation Area are of huge significance. The open and generous landscaping adds greatly to the special architectural character of the area by enhancing the architectural clean lines and enhancing the overall sense of space.' Further protection to trees within and adjoining the application site is added by individual Tree Preservation Orders (TP503 Eucalyptus / TPO467 Oak / TPO490 Cedar).

7.7.3 The Landscape Officer made an initial objection to the development, raising concerns that the development would have an impact on off site trees located in close proximity to the site boundary, including a Eucalyptus tree and a veteran Oak tree.

7.7.4 In response, the applicant submitted further information including an Arboricultural Implications Assessment and Arboricultural Method Statement. The Landscape Officer has advised that adherence to the principles set out in these documents will ensure that damage to these trees is minimised and subject to conditions to ensure that the development is undertaken in accordance with the submitted details, no objections are raised.

7.8 Highways, Access and Parking

7.8.1 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.

7.8.2 There is sufficient space to the frontage for in excess of three cars. Ample parking space would therefore be available for a dwelling of this size and the development would be in accordance with the parking requirements set out at Appendix 5 of the Development Management Policies LDD

7.9 Flood Risk

7.9.1 Paragraph 3.8 of the Moor Park Conservation Area Appraisal advises that any application including a basement should be submitted with a Flood Risk Assessment which details the effect of the proposals on any existing ground water courses.

7.9.2 A Flood Risk Assessment has been submitted. Published mapping information for the area indicates no watercourses in the immediate vicinity of the site and it is not within an indicative flood plain. Whilst a ground investigation proposed for the site has yet to be undertaken, the submission notes that it is anticipated that the geology of the site will be similar to other sites within the vicinity where ground investigation has already been undertaken. As such, it is anticipated that the proposed basement will be constructed entirely within low permeability clay soils and above the ground water table. The statement therefore concludes that the impact of the basement on the ground water regime at the site will be insignificant.

7.9.3 An informative shall be added reminding the applicant that they should have careful regard to the issue of underground water courses and to ensure that there will be no material harm to underground water courses in the vicinity of the site as a result of the basement construction.

8 Recommendation

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

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

TRDC 001 (Location Plan), 4668-PL001 D, 4668-PL002 C, 4668-PL003 A,
4668-PL004

Reason: For the avoidance of doubt, in the proper interests of planning and the character and appearance of the Moor Park Conservation Area in accordance with Policies CP1, 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 (2006).

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 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 the extension/development 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).

- C5 Before the first occupation of the building/extension hereby permitted the proposed first floor windows in the flank elevations 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).

- C6 No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the approved scheme are in place on site. The approved scheme is the Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) dated 23/07/2018 and produced by Writtle Forest Consultancy (Ref: 180719).

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 is a pre commencement condition to ensure that the protected trees are not affected during construction of the development hereby permitted, in the interests of visual amenity and 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).

8.2 Informatives:

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build

project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) 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 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.
- 13 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.
- 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: 0300 060 3900

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

or an appropriately qualified and experienced ecologist.

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

- 15 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.