

PLANNING COMMITTEE – 13 SEPTEMBER 2018

PART I – DELEGATED

5. **18/1072/FUL - Demolition of the existing dwelling and construction of a replacement dwelling with associated hard and soft landscaping at 29 BEDFORD ROAD, MOOR PARK, HA6 2AY**

Parish: Batchworth
Expiry of Statutory Period: 01/08/2018
(Extension of time to 23/08/2018)

Ward Moor Park And Eastbury
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Site is adjacent to a Councillor's house.

1 **September Committee Update**

- 1.1 The application was discussed at Planning Committee on 16 August 2018 and subsequently deferred for officers to seek amendments regarding the proposed alterations to the hardstanding; the proposed fountain; and landscaping issues, particularly the removal of trees.
- 1.2 In relation to hardstanding, there was a proposed increase of some 6sqm in hardstanding coverage to the front of the dwelling as part of proposals to realign and landscape the driveway. Members raised concerns and were of the view that there should be no net increase in the area of hardstanding as part of the proposals. The amended plans received since August Committee indicate no net increase in the level of hardstanding as part of the proposals to realign the driveway.
- 1.3 In relation to the proposed fountain, Members raised concerns that it would be harmful to the character and appearance of the street scene and Conservation Area and may adversely affect neighbouring amenity. The fountain has been omitted in the amended proposals and replaced with a circular pond feature surrounded by planting.
- 1.4 Concerns were also raised regarding the level of tree removal. The amended proposals indicate an additional mature Silver Birch tree proposed to be retained within the front garden adjacent to the southern site boundary.

2 **Relevant Planning History**

- 2.1 18/0655/NMA – Non material amendment to planning permission 17/1836/FUL: Alterations to internal layout, fenestration and addition of bricked boundary wall with pillars and metal gates – 30.04.2018 – Refused
- 2.2 17/1836/FUL – First floor and two storey rear extensions, two storey front gable projection, extension to roof and alterations to front elevation and fenestration – 27.10.2017 – Permitted
- 2.3 17/0633/FUL – First floor and two storey rear extensions, two storey front gable projection, extension to roof and alterations to front elevation and fenestration – 11.07.2017 – Withdrawn
- 2.4 8/491/88 – Replacement House – 18.08.1988 – Approved
- 2.5 W/1319/66 – House and Garage – 25.07.1966 – Original building

3 **Description of Application Site**

- 3.1 The application site contains a large two storey detached dwelling located on the east side of Bedford Road within the Moor Park Conservation Area. The dwelling dates from c.1988, and was a replacement dwelling to the previous which dated from c.1966. The site is rectangular in shape, measuring 2,255sqm in area and the application dwelling is set back from Bedford Road by approximately 18m.
- 3.2 The application dwelling has an intersecting hipped roof form, white rendered exterior with black timber beams and tiled roof. The front elevation has a gable projection to the centre at two storey level, and the rear elevation has a two storey central gable projection with two balconies at first floor to the rear. The frontage consists of a carriage driveway which provides parking and is enclosed by vegetation along the side boundaries.
- 3.3 To the rear the dwelling has a single storey projection which measures 19.7m in depth, located closest to the boundary with 27 Bedford Road. The single storey element measures 8m in width and has a pitched roof with a maximum height of 5.4m before sloping down to an eaves height of 3.2m. This single storey element of the building contains a swimming pool, living room, sauna and WC.
- 3.4 To the rear the site has an area of concrete paving slabs that winds around the south flank and rear elevation of the dwelling and follows the line down to the rear wall of the single storey element of the building before leading to a rear amenity space comprising an area laid to lawn and a small pond which is enclosed by high hedging.
- 3.5 27 Bedford Road to the north of the application site is a detached dwelling on a slightly lower land level to the application dwelling and has recently been demolished and re-built (11/1346/FUL). 31 Bedford Road is to the south of the application dwelling, is on a similar land level to the application dwelling and has recently been demolished and re-built (13/1963/FUL).

4 Description of Proposed Development

- 4.1 Full planning permission is sought for the demolition of the existing dwelling and the construction of a replacement dwelling with associated hard and soft landscaping.
- 4.2 The proposed replacement dwelling would be two-storey with loft accommodation and would have hipped roof forms with an overall height of 10.1m and an eaves height of 5.5m. The dwelling would have a principal width of 19.1m and a principal depth of 9.7m. There would be three two-storey rear projections from the principal rear elevation which would have total depth of 8.4m and would be set in 1.0m from the principal flank elevations and set down from the main ridge of the dwelling. There would be a single storey rear projection which would be built in line with the northern flank elevation and would have a total depth of 15.1m and a width of 8.0m. The single storey rear projection would have a hipped roof form and would have an eaves height of 3.0m and an overall height of 4.5m
- 4.3 Alterations are proposed to the hardstanding to the front of the dwelling including the realignment of the carriage driveway and the installation of a low level circular pond feature surrounded by planting. In the rear garden an area of hard surfacing is proposed including a terrace with a depth of 3.6m with steps down to an upper lawn and the single storey rear projection would have a 1.8m wide path around it.
- 4.4 Amended plans were received during the course of the application which reduced the proposed area of additional hardstanding to the front of the property so that it is no greater than the existing. The proposed area of additional hardstanding to the rear of the property has also been reduced to that which was approved pursuant to planning permission 17/1836/FUL. The proposed wall and gates to the front boundary of the property have been omitted from the proposals. A rooflight in the south facing flank elevation of the proposed main roof of the dwelling has also been omitted from the proposals.

- 4.5 The scale and design of the proposed replacement dwelling would be near identical to that approved under 17/1836/FUL. This proposal does however include some design amendments to the dwelling itself such as a reduction in the level of flank glazing whilst additional elements within the front and rear gardens are detailed above.

5 Consultation

5.1 Statutory Consultation

5.1.1 Hertfordshire Ecology: [No objection]

"Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site, which is a large detached two storey dwelling in a low-density suburban location. 300m to the east is a strip of broadleaf woodland (with a stream) that runs parallel to the railway. Beyond this is Sandy Lodge Golf Course, which is designated as an extensive (58ha) Local Wildlife Site for its grassland interest. 520m to the west is Moor Park Golf Course, another LWS designated for its grassland interest. Both golf courses have mixed habitats including long and short grassland, scattered and clustered trees, woodlands, drains and ponds. All these habitats will provide suitable foraging and commuting opportunities for bats and we do have records of them roosting in buildings in the vicinity.

I have seen photographs of the property, which looks to be in very good condition with well-sealed roof and ridge tiles, soffits, mortar, brickwork, windows and doors. I consider it to be sub-optimal for bats to use for roosting.

I note a few trees are proposed for removal, including some fruit trees. It would benefit wildlife, if these were replaced with native species and/or fruit/nut trees. Also, care should be taken to avoid the bird nesting season with any tree works.

I do not consider any ecological surveys are necessary in this instance. Notwithstanding, as bats are known to be roosting in the area, and common bird species could potential use the trees for nesting, I recommend a precautionary approach to the works is taken and advise the following Informatives are added to any permission granted:

"If bats, or evidence for them, are discovered during the course of works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900."

"The removal or severe pruning of trees and shrubs should be avoided during the nesting bird season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest."

5.1.2 Herts & Middlesex Wildlife Trust: [Objection]

"Objection: Bat survey required before application can be determined. Once the survey has been approved, all required measures should be conditioned in the decision.

The design of the building is extremely suitable for bats, it is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. If present the development would destroy bat roosts and breach the legislation that protects them. Therefore there is clearly a reasonable likelihood that bats may be present in this instance.

ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are

affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.

Policy DM6 of the Three Rivers Local Development Document seeks to ensure that development does not have a negative impact on protected species.

LPA's have a duty to consider the application of the Conservation of Habitats and Species Regulations 2017 in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of EPS it has not acted lawfully.

Where there is a reasonable likelihood that protected species are affected by development proposals, surveys must be conducted before a decision can be reached (as stated in ODPM circular 06/05). It is not acceptable to condition ecological survey in almost all circumstances. In this instance a bat survey of the building will be required before a decision can be reached. The survey should be consistent with national survey standards and the information submitted in accordance with BS 42020.

If the survey identifies bats or their roosts, any actions required to enable development to take place without breaching the legislation should be implemented through the planning decision."

5.1.3 Moor Park (1958) Limited: [Objection]

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

1. While we accept that the footprint/plot coverage of the proposed replacement dwelling is almost exactly that of the scheme involving extensions etc approved by the Council under ref 17/18346/FUL (i.e. 21%) and while both ourselves and the Council recognised that this exceeded the maximum set out within the provisions of the approved Moor Park Conservation Area Appraisal (MPCAA), there is now in fact a fundamental difference in the two schemes as far as plot coverage is concerned.

In paragraph 7.1.11 of the Committee report for the approved scheme it stated:-

"However, while it is not considered that the plot coverage resulting from the proposed extensions would have a significant adverse impact on the Conservation Area, any additional development resulting in further increases in plot coverage may lead to a reduction in the openness of the area (our underlining for emphasis). It is therefore considered appropriate to include a condition on any consent removing permitted development rights for outbuildings, hardstanding (our underlining for emphasis) and further extensions..."

From our calculations we consider that the full/cumulative impact of the total built development on the openness of the plot AS NOW PROPOSED is :-

Plot size = approx. 2,275sqm of which 15% equals 341.25sqm

Proposed replacement house, including rear projection, equals approx. 514sqm

Plus, rear terrace – equals approx. 200sqm

Plus, front hardsurfaced area – equals approx. 294sqm

As a result, 514sqm+200sqm+294sqm = 1,008sqm – or 44.3% of the plot.

In our opinion this extent of plot coverage comprehensively undermines the character and openness of this plot and, as a result, fundamentally fails to preserve or enhance the character or appearance of this property in the Conservation Area, contrary to the provisions of the MPCAA and the Planning Act governing the control of development in Conservation Areas. At this level of plot coverage by the proposed built form of buildings

and associated hardsurfacing in the current application, one of the core characteristics of the Moor Park Conservation Area will be irreparably harmed.

Finally on this point, the Council's own 2017 Committee report advises that any "additional development" over that approved in the 2017 scheme could well lead to a "reduction in the openness of the area". We very strongly contest that this is exactly what is now being proposed (to the extent of 44.3%) and it is argued that the application should therefore be refused on that basis.

Notwithstanding our fundamental, in-principle objection as above, we would also wish to express our following comments and additional objections:-

2. Para 3.6 of the approved MPCAA sets out clear provisions in relation to eaves and ridge heights in relation to adjoining properties. From the submitted application drawings, it would appear that regard has been taken of the respective heights of both neighbouring properties. However, while this looks to have been achieved on paper given the additional floor of accommodation in the proposed roof space (compared to the 2017 scheme) we would ask the Council to have very close regard to this issue in the determination of this application, especially as substantial dwellings of this nature, unless very stringent "levels" conditions are imposed and checked early on site, very often produce excessively high eaves and ridges that turn out to be out of keeping with neighbouring dwellings and therefore detrimental to the character and appearance of the Conservation Area street scene.

3. Paragraph 3.10 of the MPCAA states that rooflights are considered an incongruous feature of the Conservation Area and any proposed rooflight visible from the street/outside of the site is "unlikely to be acceptable".

The current application, inter alia, has a velux window in the main hip on the proposed south elevation. However, from the submitted drawings it is unclear if this will be visible from any vantage point outside of the site, especially in light of the slightly staggered nature of the building frontages at this point of Bedford Road. Therefore, we wish to raise this as a potential concern and clearly, if it would be visible in the wider area, it would be in direct breach of the provisions of para 3.10 of the MPCAA and would be regarded as both detrimental to the visual amenities on the estate and thereby fail to preserve or enhance the character and appearance of the designated Moor Park Conservation Area.

4. Paragraph 3.11 of the approved MPCAA states that formal planning permission will be required for any increases in hardstanding facing a road frontage (by virtue of the extant Article 4 Direction) 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....."

In our opinion the substantial area of hardstanding at the front of the site that forms part of this application appears excessive and consequently we wish to raise an objection to the adverse impact the proposed hardstanding will have on the character and appearance of the open frontage of this site.

The Council is therefore requested to have full regard to our objection, as supported by the provisions and objectives of para 3.11 of the approved MPCAA in the assessment and determination of this application, having regard to ensuring the preservation and enhancement of the open and well landscaped character and appearance of the application property in its Conservation Area setting.

5. Paragraph 3.12 of the adopted Moor Park Conservation Area Appraisal (MPCAA) states that "the open character of the frontages in the conservation area is one of its most pleasant features.....Walls, metal gates and railings will not be considered to be sympathetic as these are likely to alter the area's appearance".

It is our view that the current proposals to introduce walls, gates and railings, all to a height of approx. 1.5.m and across the full frontage of the site, would represent wholly inappropriate development that would have an adverse and significantly detrimental, urbanising impact on the character, openness and visual amenity of the street scene and wider Conservation Area. As a result, the proposed frontage treatment would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to the objectives and provisions of paragraph 3.12 of the approved MPCAA.

The Council is reminded of the scheme that was refused and dismissed on appeal at 47 Russell Road that raised very similar and comparable planning issues in terms of the adverse impact of such development in the Moor Park Conservation Area.

6. Finally, we are mindful that the Council regarded it as necessary to include a planning condition on the 2017 approval (no 4) to prevent overlooking of neighbouring properties from the first floor rear balconies.

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."

5.1.4 Batchworth Community Council: [Objection]

"Support the objections raised by Moor Park (1958) Ltd that the walls, gates, hardstanding front and rear would increase the footprint of the plot by 45% which is considered to be excessive contrary to the conservation criteria."

"The Council requests that the application be called-in and referred to the Planning Committee for determination if the case officer is minded to approve the development. The Council supports the representations made by Moor Park 1958 Limited in opposition to the proposed application."

5.1.5 Conservation Officer: [Objection]

"Previous comments were made on this site. The application 17/1836/FUL was subsequently approved, although conservation objections were raised. The design of this proposal is similar, although the amount of hardstanding has been increased and this is contrary to the Moor Park Conservation Area Appraisal. I would therefore object."

5.1.6 Landscape Officer: [No objection]

"I have no objection to the proposals."

5.1.7 British Pipeline Agency: [No objection]

"BPA Pipelines

NOT IN ZONE OF INTEREST

Thank you for your correspondence enclosing details of your proposals as listed above. We are not aware that any of BPA Pipelines apparatus, falls within the vicinity of the above noted location.

However, if the location of your work should change, please contact us immediately, on 01442 218911 or email nickifarenden@bpa.co.uk Whilst we try to ensure the information

we provide is accurate, the information is provided Without Prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.”

5.1.8 National Grid: [No objection]

“Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- *High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment*
- *Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)*
- *Electricity Transmission overhead lines*
- *Above ground electricity sites and installations*

As your proposal is in proximity to apparatus, we have referred your enquiry / consultation to the following department(s) for further assessment:

- *Land and Development Asset Protection Team (High Pressure Gas Transmission and Electricity Transmission Apparatus)*
- *Cadent Pipelines Team*

Requirements

BEFORE carrying out any work you must:

- *Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.*
- *Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.*
- *Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.*
- *Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>*
- *In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.”*

5.1.9 Cadent Gas: [No objection]

“Thank you for consulting Cadent Gas for this application, we do not object to this proposal.”

5.1.10 Residential Environmental Health Officer: [No objection]

“I have had a look at this request, there is not much information about the fountain in terms of noise which would be all I could comment on, from my perspective I believe it would be unlikely that this would generate much noise and therefore have no further comment to make.”

5.2 Public/Neighbour Consultation

5.2.1 Number consulted: 9 No of responses received: 8

5.2.2 Site Notice: posted 18.06.2018, expired 09.07.2018

5.2.3 Press notice: published 15.06.2018, expired 06.07.2018

5.2.4 Responses:

- *Objection to the proposed gates as they would detract from the openness of the area*
- *Objection to the proposed increase in hardstanding, its design and the parking bays*
- *Objection to the proposed fountain as it is out of character*
- *Objection to the use of marble finish material*
- *Objection to noise pollution caused by the proposed fountain*
- *Objection to the removal of trees*

5.2.5 Material planning considerations are addressed in this report. The gates have been omitted from the proposed plans.

6 Reason for Delay

6.1 Extension of time agreed for application to go to August Planning Committee.

6.2 Application differed to September Committee for amendments to scheme.

7 Relevant Planning Policy, Guidance and Legislation

7.1 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.

7.2 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, 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 Relevant policies include DM6, DM12 and DM13.

7.3 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.

The Moor Park Conservation Area Appraisal was approved by the Executive Committee of the Council on the 27th November 2006 as a material planning consideration in the determination of planning applications and as a basis for developing initiatives to preserve and/or enhance the Moor Park Conservation Area. The Appraisal was subject to public consultation between July and October 2006 and highlights the special architectural and historic interest that justifies the designation and subsequent protection of the Conservation Area.

8 Planning Analysis

8.1 Principle of Development

8.1.1 Planning permission was granted under application 17/1836/FUL which approved significant extensions to the application dwelling. This current planning application proposes a near identical design in terms of the proposed dwelling; however it also proposes additional elements including the realignment of the driveway, the installation of a pond and additional hardstanding and landscaping to the rear. It was noted by the Council's Conservation Officer that the proposal was similar, in terms of the design of the proposed dwelling, to that approved under 17/1836/FUL.

8.1.2 Policy DM3 of the Development Management Policies Document states that, within Conservation Areas permission for development involving demolition or substantial demolition will only be granted if it can be demonstrated that the structure to be demolished makes no material contribution to the special character or appearance of the area.

8.1.3 The existing dwelling dates from 1988 and was a replacement dwelling to the previous which dated 1966. One of the overriding aims of the Moor Park Conservation Area Appraisal is the preservation of those dwellings which were constructed prior to 1958 and make a positive contribution to the Conservation Area.

8.1.4 The existing dwelling was constructed some thirty years post 1958 and is a modern property and planning permission has been granted under 17/1836/FUL for significant extensions to the dwelling which produce a near identical design to that of the proposed replacement dwelling.

8.1.5 Given these considerations, there is no overriding policy requirement for the existing dwelling to be retained and as such it is considered that the proposed development satisfies the criteria set out in Policy DM3 and the principle of demolishing the dwelling is considered acceptable.

8.2 Impact on Character and Street Scene

- 8.2.1 The footprint and plot coverage of the proposed replacement dwelling would be the same to that approved under 17/1836/FUL and the Planning Officer summarised in their report that:
- “On balance, it is not considered that the proposed first floor and two storey rear extensions, two storey front gable projection extension to roof and alterations to front elevation and fenestration would be out of character or unduly prominent in the street scene. Furthermore, the proposal would not adversely affect the character or appearance of the host dwelling or Conservation area and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.”
- 8.2.2 Although this proposal constitutes a full demolition of the current dwelling and the construction of a replacement dwelling, rather than significant extensions, it is considered that the proposed design of the dwelling in light of 17/1836/FUL is acceptable.
- 8.2.3 The comments of Moor Park (1958) Limited are noted in that the proposed replacement dwelling including the alterations to the extent of hardstanding would result in a plot coverage of some 44%. Amended plans have been received which have reduced the overall level of hardstanding to the front and rear of the property which is considered in this report. For the purposes of the total plot coverage of the replacement dwelling, the Moor Park Conservation Area states that buildings, including all out buildings (garages, car ports etc.) should not cover more than 15% of the plot area, however, the Conservation Area Appraisal does not refer to hardstanding being included within this. It was considered under 17/1836/FUL that, although the proposed dwelling would result in a plot coverage of 21%; an increase on the existing 19%, given the site circumstances it would not have a significant impact on the openness of the Conservation Area and would therefore be acceptable. The plot coverage, encompassing all buildings (as required by the Moor Park Conservation Area Appraisal) would remain the same (21%) under this current application.
- 8.2.4 It was however considered appropriate as part of the planning permission for 17/1836/FUL to include a condition removing permitted development rights for driveway hardstanding alterations. It is noted that the Planning Officer’s report for 17/1836/FUL states that further increases in plot coverage may lead to a reduction in the openness of the area and as such the proposed alterations to the hardstanding are carefully considered in this report.
- 8.2.5 With regard to the proposed alterations to the front driveway, the Moor Park Conservation Area Appraisal states that *“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.”* The rationale behind the proposed alterations to the front driveway is to provide better circulation around the driveway to that which exists currently. The current arrangement of the driveway includes a noticeably larger portion of lawn abutting the southern site boundary of the driveway, an island which is not centrally located within the plot and a thin strip of lawn abutting the northern site boundary. The development proposes to align the island centrally and have evenly sized portions of lawn abutting the northern and southern boundaries of the driveway. It is calculated that the current driveway represents an area of hardstanding of some 198sqm and the proposed development (as amended after August Planning Committee) proposes no net increase in the amount of hardstanding within the frontage. There would therefore be no increase in the level of hardstanding to the site frontage. It is considered that the realignment of the driveway would not detract from the open character of the frontage in the conservation area which the appraisal seeks to preserve and is therefore considered acceptable.

- 8.2.6 The proposed hardstanding to the rear of the property which has been reduced during the application is not considered excessive and would not detract from the open and spacious character of the Moor Park Conservation Area which the appraisal document seeks to preserve. It is therefore considered that the proposed rear hardstanding is acceptable. Further alterations to the rear garden include soft landscaping proposals which involve the removal and replacement of some trees. It is not considered that these proposals would be harmful to the Conservation Area.
- 8.2.7 As previously noted, the originally proposed fountain has been omitted and the amended proposals include a pond. As part of the proposals to install a pond, a small tree on the central portion of the front lawn is proposed to be removed to which the Council's Landscape Officer raises no objection. It is considered that the proposed pond, by virtue of its scale both in terms of height and positioning; set back from the highway, would not appear prominent or incongruous and would not introduce a feature that would detract from the open character of the frontages in the conservation area and is therefore considered acceptable.
- 8.2.8 This application proposes an increase in the depth of the approved front projection of some 0.4m. It was considered under the officers report for 17/1836/FUL that whilst *the projecting front elevation would not accord with the general arts and crafts style of dwellings and would alter the character of the existing dwelling, the proposed front extension with pillars and gable roof would not appear significantly out character within the immediate street scene when considering the design features of the adjacent dwellings at No.27 and No.31 Bedford Road*. It is considered that the additional depth of the proposed front projection is minimal and would not be contrary to the considerations of the planning officer under 17/1836/FUL. As such, this element of the proposal is considered acceptable and would not justify a refusal of planning permission. It is also noted that a circular feature is proposed on the front gable end of the front projection. There are a number of examples of this type of feature throughout Moor Park as well as porthole windows which provide a similar visual appearance. It is considered that this is a subjective design feature that would not be incongruous or visually prominent within the streetscene so as to justify the refusal of planning permission.
- 8.2.9 The proposed replacement dwelling includes a number of further design changes, particularly alterations to the fenestration approved under 17/1836/FUL. It is proposed that the amount of glazing in the principal northern flank elevation is reduced. It is not considered that this would have an impact upon the character of the dwelling. It is proposed that the amount of glazing in the principal southern flank elevation is reduced and a door is proposed to be inserted. Views of this elevation are significantly obscured such that it is considered that this would also not have a negative impact upon the character of the dwelling. A rooflight is proposed on the south facing roofslope of the inset rear projection. It is considered that, bearing in mind that rooflights visible from the streetscene are contrary to the appraisal; views of this proposed rooflight would not be achievable from public vantage points and as such would not be harmful. The fenestration on the inward facing elevation of the single-storey rear projection is proposed to be altered to include a set of bifold doors and two windows. It is considered that, given that this would not be materially different to that which is approved and that it is to the rear of the property, this would be acceptable. It is proposed that all of the approved rooflights in the flank roofslopes of the single-storey rear projection are omitted and two skylights within the flat roof section are inserted. It is considered, given that is to the rear of the property and therefore not visible from public vantage points, that this would be acceptable. A dormer window is proposed to be inserted on the inward facing roofslope of the northernmost two-storey rear projection. It is considered that views of this from the streetscene would not be at all achievable and as such would be acceptable.
- 8.2.10 The proposed external finish materials to the dwelling include facing brickwork, natural slate roof tiles and reconstructed stone features. It is however considered appropriate to

include a condition on any permission requiring samples of proposed finish materials to ensure that the external appearance of the dwelling is satisfactory.

8.3 Impact on amenity of neighbours

8.3.1 The scale and design of the proposed replacement dwelling would be the same to that approved under 17/1836/FUL, with the exception of a 0.4m increase to the depth of the porch which is sited away from both neighbours and a reduction in the level of glazing proposed above ground level. The Planning Officer summarised in their report that subject to conditions, the previous proposal complied with the Design Criteria in terms of any potential impact upon the residential amenity of any neighbour. It is not considered that the additional rooflight proposed on the southern facing roofslope of the inset two-storey rear projection would give rise to overlooking to the adjoining neighbour. It is however considered appropriate to condition all glazing in the flank elevations above ground floor level to be obscurely glazed and non-opening below 1.7m from internal floor level. In addition, details of the screening to the rear balconies would be required to be submitted.

8.3.2 It is not considered that the proposed driveway alterations; installation of a pond; or additional hardstanding to the rear, given the nature of the works would give rise to any impact upon the residential amenity of any neighbour. As a result, subject to conditions, the proposal complies with the Design Criteria as set out within Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.4 Wildlife and Biodiversity

8.4.1 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.

8.4.2 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. The application has been submitted with a Biodiversity Checklist which states that no protected species or biodiversity interests will be affected as a result of the application.

8.4.3 Herts & Middlesex Wildlife Trust raised objection to the proposal and requested that survey work being undertaken given that the application dwelling is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. Hertfordshire Ecology were also consulted as part of the application and requested additional information including recent photos of the property. This information has been provided and reviewed by Hertfordshire Ecology who consider that the property is in very good condition with well-sealed roof and ridge tiles, soffits, mortar, brickwork, windows and doors and therefore sub-optimal conditions for bats to use for roosting. As such they do not consider in this instance that ecological surveys are necessary. Notwithstanding, as bats are known to be roosting in the area, and common bird species could potential use the trees for nesting, they recommend a precautionary approach to the works is taken and informatives are added to any planning consent.

8.4.4 It was also noted that some trees are proposed for removal, including some fruit trees and it was recommended that these were replaced with native species and/or fruit/nut trees to benefit wildlife. It was also advised that care should be taken to avoid the bird nesting season with any tree works.

8.5 Trees and Landscaping

8.5.1 The proposals to reconfigure the driveway and landscape the rear garden include the removal of a number of trees within the site. The application was accompanied by an Arboricultural Survey and a plan detailing those trees to be removed and those to be retained. It is noted that, although none of the trees are covered by individual TPOs, trees are afforded an extra degree of protection given the potential contribution they may make to the Conservation Area. It has been demonstrated by the supporting information that the trees proposed to be removed are of low conservation value and no objection was raised to their removal from the Council's Landscape Officer. It is indicated on the proposed Site Plan that four new trees are proposed to be planted on the portion of grass adjacent to the northern site boundary within the front garden. The proposals also include ornamental trees which would line the flank boundaries of the rear garden. It is considered that the proposed removal of trees would be mitigated by the proposed planting so as not to materially or detrimentally alter the character of the frontage of the dwelling. Amended proposals following August Committee have indicated an additional mature Silver Birch tree proposed to be retained within the front garden adjacent to the southern site boundary.

8.6 Highways, Access and Parking

8.6.1 Core Strategy Policy CP10 sets out that development should make sufficient provision for car and other vehicle parking. Policy DM13 of the Development Management Policies Document states development should make provision for parking in accordance with the parking standards set out in Appendix 5.

8.6.2 Parking Standards state that a four or more bedroom dwelling should have a total of three parking spaces. One additional bedroom is proposed. The carriage driveway however provides ample parking. It is therefore considered that there will be adequate parking space for present and future occupiers.

8.7 Rear Garden Amenity Space

8.7.1 Policy CP12 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space Appendix 2 of the Development Management Policies Document states that 'amenity space must be provided within the curtilage of all new residential developments.'

8.7.2 The application site would have a rear amenity space of over 1100 sqm following the implementation of the proposed extensions. It is therefore considered that there will be adequate amenity space in accordance with Appendix 2.

8.8 Refuse & Recycling

8.8.1 Policy CP1 of the Core Strategy states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies LDD sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

8.8.2 The dwelling is located within a residential area and the collection of refuse and recycling bins adjacent to the highway would be considered acceptable.

8.9 Sustainability

8.9.1 Policy CP1 of the Core Strategy (adopted October 2011) requires all applications for new residential development of one unit or more to submit a CPLAN Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been

incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

- 8.9.2 Policy DM4 of the Development Management Policies LDD states that from 2016, applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the Government is yet to provide a definition for zero carbon and the Council is therefore continuing to apply the 2013 requirements, i.e. applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 8.9.3 An Energy Statement has been submitted which demonstrates that the proposal would make a saving of 5% through energy efficiency by focusing on the fabric of the proposed new dwelling and by creating a more efficient dwelling will ensure that the overall day to day energy use is reduced as a result. A Planning stage SAP Assessment has been carried out and the result of the assessment is a Pass for the Fabric Energy Efficiency requirement and a reduction in CO2 Emissions of 10.4 % over the requirements of part L 2013. As such the proposed development would meet the Council's Policy requirements with regards to sustainability. A condition on any consent would require that the development is implemented in accordance with the submitted Energy Statement.

8.10 Infrastructure Contributions

- 8.10.1 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. CIL is therefore applicable to this scheme. The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sqm of residential development is £180.

9 **Recommendation**

- 9.1 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: TS16-450L/1, NL18.17 REV A, NL18.05 REV M, NL18.04 REV M, NL18.02 REV M, NL18.01 REV M, 5447-V2 PL010, 5447-V2 PL008, 5447-V2 PL007, 5447-V2 PL006, 5447-V2 PL005 REV A, 5447-V2 PL004 REV A, 5447-V2 PL003 REV A, 5447-V2 PL002, 5447-V2 PL001-SITE REV D, 5447-PL-LP
Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the 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 Before above ground building operations hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.
Reason: To ensure that the external appearance of the dwelling is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Before the first occupation of the dwelling hereby permitted the flank windows above ground level 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 windows are installed. The windows 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).

- C5 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 flank elevations of the dwelling hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 The development hereby permitted shall be implemented in accordance with the details of the submitted Energy Statement. The approved details shall be implemented prior to the first use of the development and permanently maintained thereafter.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C7 Prior to the first occupation of the development hereby permitted, details of screening to a height of 1.8m as measured from the surface of the rear balconies to be erected to the flanks of the rear balconies shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to first occupation in accordance with the approved details, and maintained as such 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).

- C8 Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed before development commences 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, for a period for five years from the date of the approved scheme was completed.

Reason: This condition is a pre commencement condition in the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted

October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C9 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: 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).

- C10 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class C - other alterations to the roof

Class D - porches

Class E - provision of any building or enclosure

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the 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 (2006).

9.2 **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) - 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 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at www.nationalgrid.com or by contacting National Grid on 0800688588.
- 15 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).