

PLANNING COMMITTEE - 21 MARCH 2019

PART I - DELEGATED

5. **18/2163/FUL: Partial demolition of existing dwelling and erection of two storey and single storey rear extension, loft conversion including increase in ridge height, extension to basement and alterations to fenestration detail at 6 ASTONS ROAD, MOOR PARK, HA6 2LD**
(DCES)

Parish: Batchworth Community Council
Expiry of Statutory Period: 04.01.2019

Ward: Moor Park and Eastbury
Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

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

1 Relevant Planning History

- 1.1 No planning history.

2 Description of Application Site

- 2.1 The application site contains a two storey detached dwelling located on the western side of Astons Road, within the Moor Park Conservation Area. Astons Road and the wider Conservation Area are characterised by detached dwellings located on large plots with spacing between dwellings. No.6 has a hipped roof form to the main dwelling with three hipped roofed projections spaced evenly across the width of the front elevation of the dwelling. Forward of the main dwelling is a two storey gabled feature which projects significantly forward of the main dwelling. This contains visible basement accommodation accessed via a driveway to front of the dwelling. There is provision for at least three off street car parking spaces to the frontage.
- 2.2 The dwelling is set at an elevated level relative to the adjacent highway. In addition, it is noted that the application dwelling is set at a higher land level relative to the adjacent neighbour, no.4.
- 2.3 To the rear, the dwelling has two main hipped roofed projections to either side and one central hipped roofed feature with a large first floor window. Beyond the rear wall of the dwelling, is a paved patio area with the remaining garden area set at an elevated level.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for the partial demolition of the existing dwelling and erection of a two storey rear extension, loft conversion including increase in ridge height, extension to basement and alterations to fenestration detail.
- 3.2 The applicant is proposing a two storey rear extension. This would have a stepped building line with the central element projecting to a maximum depth of 5.4m; this would have a gabled roof form. The elements to either side would have a depth of approximately 3.2m. These elements would have hipped roof forms with the second floor served by dormer windows. Due to the existing stepped rear elevation of the dwelling, the ground floor element would have a minimum depth of approximately 4m and a maximum depth of 5.3m. The ground floor extension would extend across the width of the existing dwelling. The ground floor elements would have a part mono pitched roof form with a height of 3.3m and part of the ground floor element would have a sloping catslide roof form sloping up to the main ridge of the dwelling.

- 3.3 A loft conversion is proposed which would involve increasing the ridge height of the dwelling by 0.75, to a height of 9.4m when taken from the entrance to the dwelling. The existing basement area would also be extended underneath the dwelling to incorporate a new games room/cinema, gym and plant room. A lightwell would be located to the front of the dwelling between two existing projections.
- 3.4 Alterations to fenestration detail are also proposed including the provision of additional windows.
- 3.5 Amended plans have been received during the course of the application. The amendments are as follows:
- Reducing part of the two storey rear extension from a depth of 4.3m to 3.2m
 - The roof form of the two storey rear extension has been amended from three gabled projections to one centrally located gable and two hipped projections with dormer windows
 - The increased ridge height of the dwelling would not be extended over the existing gable end
 - The chimney over the existing gable projection would be retained, as would the chimney to the rear elevation

4 Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [No objection]

The application is for the partial demolition of existing dwelling and erection of single storey front infill extension, two storey rear extension, loft conversion including increase in ridge height, extension to basement and alterations to fenestration detail.

Located within the Moor Park Conservation Area, a designated heritage asset, 6 Astons Road is a substantial detached property, occupying a prominent plot within the conservation area. Although the heritage statement provided by the applicant has not determined an exact construction date for the building, it is presumed the property dates from the early development phase of the Moor Park area. As such, care should be taken to retain as many of the property's original features as possible, as per page 8 of the Conservation Area Appraisal.

The proposed changes are extensive and will radically alter the appearance of the building's rear elevation. An extension to this range is acceptable in principle, however it would be hoped that any alterations make sensitive reference to the existing fabric and character to of the building. Although the existing three gables are referenced in the proposed plans, the arts and crafts character of the building will be diluted by the proposed changes.

Nonetheless, as a result of the changes, there will be little impact to the conservation area as the principle street fronting elevation is largely unchanged. The chimney to the side of the property, although moved, will be retained. Chimneys are noted as being an important architectural feature within the conservation area appraisal, and retention of this is positive and helps to maintain the building's character.

Further information regarding the proposed materials, including exterior finishes and details of all new or replacement windows and doors should be provided to and approved by the local authority prior to the commencement of works, to ensure that all changes are sympathetic to the conservation area.

4.1.2 Moor Park 1958: [Objection]

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

1. From the outset we wish to challenge the nature of the description in regard to this application, especially in the context of the inclusion of the words "partial demolition". In a close examination of the submitted drawings it is clear that:

- effectively none of the rear wall of the existing house will remain
- none of the rear roof will remain
- only a small part of the existing first floor wall in the south elevation will remain (query – how will the first floor side wall be retained if the ground floor wall beneath it is to be demolished and rebuilt?)
- the majority of all the ground floor and first floor internal walls are shown to be demolished
- a new, higher ridge is to be created

In our opinion the proposal is not far short of being tantamount to a replacement dwelling on this site (with the exception of the front façade) and this should be more clearly explained in the description of the development to avoid any misleading or misunderstanding, either now or in the future, as to the true and accurate extent of the proposed development works. It is our view that at a very minimum the reference to "demolition" in the description should be altered from "partial demolition" to "substantial demolition".

2. We have noted surprisingly that there is no "planning history" for the application site on the Council's database and therefore it is difficult to easily ascertain the age of the existing dwelling or the year it was erected. However, we note that the scale, design, proportions and a large number of the characteristics and features of the existing property give some strong evidence of a dwelling that may have been built on the Moor Park Estate in the pre-58 period.

If it transpires that this is a "pre58" dwelling on the Moor Park Estate, then we consider that the full provisions set out in para 3.1 of the approved Moor Park Conservation Area Appraisal (MPCAA) need to be taken into account by the Council in the determination of this application. Having done so we would contend that the application should be refused in its current form.

This is on the grounds that (i) the scale, height, bulk and mass of the proposed extensions, (ii) the way that the works combine to overwhelm and dwarf the existing property and (iii) combined with the total extent of all the substantial demolition works, plus (iv) other alterations to the basement and the general fenestration etc., adversely, substantially and materially affect the character and appearance of the property and consequently seriously erode and undermine the "positive contribution" such pre58 dwellings have in the designated Conservation Area.

We raise this point as a precautionary safeguard at this juncture and clearly accept that, if the house was actually erected after 1958, then the provisions within para 3.1 of the approved MPCAA of course have no bearing on this case.

That said, if this IS a pre-58 dwelling and if the officers are minded to recommend the application favourably, then on this ground alone, we propose to contact our local Ward Members and seek the application to be "called in" for decision by the Planning Committee.

3. Relying on the scale bars on the submitted drawings it has been calculated that the resultant plot coverage, if the proposed extensions are erected, would be approximately 19.3%.

The Council will be aware that part of paragraph 3.4 of the approved Moor Park Conservation Area Appraisal (MPCAA) states that "buildings, including all outbuildings, should not cover more than 15% of the plot area..." and the provisions of this part of the MPCAA are therefore clearly material in planning terms and fully applicable in this case and will need to be taken fully into account.

In our opinion, while the existing property already indicates a plot coverage of over 14% this is not a sufficient ground or justification for proposing (or supporting) a major breach of the provisions of the MPCAA.

In light of the foregoing we consider that the scale and impact of an approximately 19.3% plot coverage, taking account of the form and extent of the proposed development, would materially and demonstrably harm the character, appearance and openness of this plot within the Conservation Area and would fundamentally run contrary to the attractive and prevailing character and generally low level of development found on individual plots throughout the Conservation Area. Consequently, we wish to raise a strong objection on the issue of excessive plot coverage. Development on this extent of plot coverage and overall scale would fail to preserve or enhance the character and appearance of the designated Conservation Area. In light of the above we would request that the Council fully upholds the provisions of this part of para 3.4 of the MPCAA and refuses the proposed development on this ground.

NOTE – in light of the above, even if the Council is minded to negotiate a ‘scaling down’ of the footprint of the proposed development, we would request that a condition is included to remove all future residential permitted development rights.

4. Para 3.4 of the MPCAA also 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".

In our opinion the current proposals, that incorporate extensions at ground floor, first floor and roof levels that increase the bulk and depth of the dwelling along both flanks, present exactly the style of unacceptable development as described in para 3.4 of the MPCAA. On this basis we consider that the openness, and resultant character, of the Conservation Area would be materially harmed, especially on the northern flank of the dwelling where the following needs to be taken into account:-

- (i) the height, scale and mass of the proposed unbroken flank roof design and
- (ii) where the space between the application property and its neighbour (at no 4) is very tight and restricted.

We are of the view that the combination of these factors will fail to produce a scheme that in any way preserves or enhances the character or appearance of the designated Conservation Area. In light of the above we therefore also wish to raise this as a further strong objection to the scheme.

5. Para 3.6 of the MPCAA clearly states that:-

"Eaves and ridge heights of any new development should reflect the scale of neighbouring properties and the street scene. Proposals with a ridge materially taller than those of neighbouring houses are unlikely to be unacceptable".

We note that while the increase in the height of the new ridge (by approximately 0.75m) is relatively modest full account needs to be taken of the following factors:-

- the ridge of the existing property is already higher and more dominant than its neighbour to the north (no. 4)
- the part of the ridge of no 4 that is closest to the application site is lower than the rest of the ridge of that house.

Consequently, it is our view that the height and overall scale of the existing roof of the application site already substantially over-dominates and overwhelms the neighbouring property at no 4 and the proposal to add another 0.75m to the height of the ridge (as set out in the current application) will further harm the relationship between the two dwellings and produce a discordant and incongruous feature in the street scene in this part of the Conservation Area. Therefore, a strong objection is also raised on this ground and we submit that this represents a further ground for the Council to refuse the application.

6. We wish to register our strong objections and concerns in regard to the proposed substantial increase in the size of the basement at the property from approximately 42.6sqm to approximately 293.97sqm i.e. a net increase of approximately 251.3sqm, especially in the context of the provisions and clear concerns expressed in paragraph 3.8 of the approved MPCA. A.

While we note that the Council's updated Validation Checklist now expressly requires flood risk assessments to be submitted for schemes involving basements on the Moor Park estate, we are entirely unclear why no such document has been submitted (or at least is not entered on the list of application documents on the Council's website). We suggest in light of the requirements of the Validation Checklist the application should not be further processed or determined without a full FRA submission.

We specifically wish to highlight that para 3.8 of the MPCA. A refers, inter alia, to concerns over the potential disruption from the construction of basements to underground water courses and the consequential need for local FRAs that specifically seek to ensure that:-

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

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

7. Finally, in light of the very significant extent to which the submitted application fails to take regard of the provisions and stated requirements of the approved MPCA. A, combined with the resultant substantial and material harm that we consider will arise from the proposed development to the application property and the established character and appearance of the Conservation Area (all as set out and argued above), we will be approaching local members to 'call in' the application for Committee decision if officers are minded to grant permission.

4.1.3 Herts and Middlesex Wildlife Trust: [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.

LPAs 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.

Officer Comment: A Bat Survey was subsequently submitted.

4.1.4 Herts Ecology: [No objection]

Thank you for consulting Hertfordshire Ecology on the bat mitigation plan.

I consider that the plan makes sufficient and appropriate recommendations to accommodate crevice dwelling bats in the event that the presence / absence activity surveys identify any evidence of bats roosting in the main building. As it stands, the PRA found no evidence of any bats but identified moderate potential for a roost.

Consequently I am satisfied that the LPA can determine the application having taken bats adequately into account. As advised previously, the subsequent surveys should be secured as a Condition of approval and be undertaken prior to commencement of any development works which may affect bats. Modifications to the mitigation plan can then be made if necessary.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 5 No of responses received: None

4.2.2 Site Notice: Expiry 11:12.2018 Press notice: Expiry: 14.12.2018

5 Reason for Delay

5.1 To allow time for a Heritage Statement to be submitted and to seek the professional views of the Conservation Officer.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In February 2019 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 2019 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, DM13 and Appendices 2 and 5.

The Moor Park Conservation Area Appraisal (2006).

6.3 Other

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

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

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

7 **Planning Analysis**

7.1 Impact on Character, Street Scene and the Conservation Area

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 Policy DM1 and Appendix 2 of the Development Management Policies LDD sets out that; *‘few properties are designed to incorporate extensions, therefore any additions built need*

to take into consideration their effect on neighbouring properties and their visual impact generally. Oversized, unattractive and poorly sited additions can result in loss of light and outlook for neighbours and detract from the character and appearance of the original property and the general streetscene’.

7.1.3 Policy DM3 of the Development Management Policies LDD relates to development in Conservation Areas and states that development will only be permitted if it is of ‘a design and scale that preserves or enhances the character or appearance of the Conservation Area’. The Moor Park Conservation Area Appraisal also provides further guidance in order to preserve the special character of the Conservation Area. It specifies that ‘The Council will give high priority to retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. As a guide, the Council will seek retention of buildings on the estate erected to 1958 when the original estate company was wound up.

7.1.4 No.6 Astons Road is a substantial detached property occupying a prominent plot within the Moor Park Conservation Area. In its current form, it arguably makes a positive contribution to the character and appearance of the Conservation Area and displays arts and crafts features typical of the Conservation Area. The Conservation Officer notes that the submitted Heritage Statement does not provide an exact construction date for the building, however, it is presumed that the dwelling dates from the early development phase of the Conservation Area and was therefore constructed prior to 1958. As such, ‘care should be taken to retain as many of the properties original features as possible, as per page 8 of the Conservation Area Appraisal’.

7.1.5 Policy DM3 of the Development Management Policies LDD states the following with regard to demolition:

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

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

7.1.6 In this case, it is acknowledged that the proposed development includes substantial elements of demolition. However, a significant proportion of the demolition works would affect the rear part of the dwelling. This elevation is not publically visible and its contribution to the wider Conservation Area when considered in isolation is limited. Large elements of the original dwelling would be retained, including the front elevation and proportions of the side elevations. In addition, key original features such as the existing chimneys would also be retained. A method statement has been submitted with the application to demonstrate that the basement can be constructed without full demolition of the existing dwelling. However, officers consider that a further method statement should be submitted as a pre-commencement condition to demonstrate that other aspects of the development can be undertaken without the full demolition of the dwelling.

7.1.7 Appendix 2 of the Development Management Policies LDD notes the following with regard to increases in ridge height:

‘Increases in ridge height will be assessed on their own merits at the time of a planning application. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council’.

- 7.1.8 The Moor Park Conservation Area Appraisal also provides further guidance, setting out that the 'eaves and ridge heights of any new development should reflect the scale of neighbouring properties and the streetscene. Proposals with a ridge materially taller than those of neighbouring houses are unlikely to be acceptable'. In this case, the proposal would result in an increase in ridge height of approximately 0.75m. The application dwelling already has a higher ridge than the adjacent neighbour no.4, and is already of noticeable presence within the streetscene, predominantly due to its visible basement garage creating a three storey appearance. It is therefore not considered that a further increase in ridge height would significantly increase the prominence of the dwelling to any degree such that it would result in demonstrable harm, particularly given the existing site circumstances. It is also noted that during the course of the application the increase in ridge height over the front gable projection has been removed which also minimises the bulk and prominence of the roof form in relation to the wider streetscene.
- 7.1.9 The proposed development would result in a number of alterations to the dwelling, particularly to the rear elevation due to the large two storey extension. Amended plans were received during the course of the application which amended the design of the two storey rear extension to include two hipped roof projections with dormer windows to either side with a gable retained centrally. This amendment has acted to reduce the overall bulk and massing of the extensions, which was considered necessary particularly given the visibility of the extension caused by the current spacing which exists between the application dwelling and no.8 Astons Road. The Conservation Officer notes that the proposed changes will 'radically alter the appearance of the building's rear elevation', however, the Conservation Officer specifically states that there would be little impact to the Conservation Area as the street fronting elevation is largely unchanged. In particular, the Conservation Officer notes that the chimney to the side (although moved) would be retained. This is an important architectural feature within the Conservation Area and the retention of this is positive and helps to maintain the building's character and provide interest to this elevation. In addition, the amendments received during the course of the application have retained two further chimneys which again helps to retain the original character of the dwelling. To ensure that the proposed materials are considered acceptable, the Conservation Officer has requested that samples are submitted prior to the commencement of above ground operations.
- 7.1.10 The Moor Park Conservation Area Appraisal provides further guidance to ensure that the special character of the Conservation Area is retained. It sets out the following:
- 'A minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevations subject to a distance of not less than 1.5m being kept clear between flank walls and plot boundaries...*
- 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 overhang the ground floor or any built areas at basement level where these extend beyond the ground floor'*
- 7.1.11 In this case, the proposed extensions would not extend beyond either side elevation, with distances in excess of 1.5m being retained to the flank boundaries. As such, a sense of spaciousness is retained to the boundaries which ensures that the openness of the Conservation Area is preserved in accordance with the requirements of the Conservation Area Appraisal. With regard to plot coverage, the extended dwelling would result in a plot coverage of approximately 18.7% (excluding the small timber shed indicated on the block plan) which would be contrary to the guidance within the Appraisal. The concerns of Moor Park 1958 Ltd in this regard are noted, however, in considering the application, the site situation needs to be considered alongside policies and constraints, rather than arbitrarily applying guidance. The increased plot coverage is predominantly as a result of the rear extension which would not be prominent from the street scene and as noted above, there would

be no extension towards either flank boundary. The purpose of the Conservation Area Appraisal guidance is to retain spaciousness and openness which is integral to the character and appearance of the Conservation Area. Given the siting of the development to the rear and the spacing to the sides of the dwelling which would be retained, it is not considered that the development would result in any actual loss of openness detrimental to the character and appearance of the Conservation Area. However, in view of the fact that the development does exceed the guidance in the Appraisal document, it is considered reasonable and necessary to remove permitted development rights in respect of Class A and E to ensure that further development is subject to control.

- 7.1.12 The plans also include basement accommodation; the Moor Park Conservation Area Appraisal discourages basements where they are evident on street elevations. In this case, the existing dwelling already has basement accommodation, although the proposed development would include a further lightwell to the front elevation. This would be flush with the ground and sited between two front projections and consequently would not result in any additional harm to the character and appearance of the dwelling or wider Conservation Area. It is noted that the Appraisal does specify that a Flood Risk Assessment should accompany applications which involve basement level accommodation. This application is not accompanied by a Flood Risk Assessment, however, the application site is not in a flood risk area and it would be unreasonable to refuse planning permission on these grounds.
- 7.1.13 In summary, it is acknowledged that the development would involve large elements of demolition. However, the front elevation of the dwelling remains largely unaltered and furthermore key features such as the large chimneys would be retained. As set out above, the applicant will be required to submit a further method statement to demonstrate that the proposed development can be constructed without the full demolition of the dwelling. It is therefore not considered that the development would result in harm to the character and appearance of the dwelling or the wider Conservation Area. As such, the development is considered to be acceptable and would preserve the character and appearance of the Conservation Area. Subject to a condition requiring material samples to be submitted, the development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the Moor Park Conservation Area Appraisal (2006).

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene'.
- 7.2.2 The proposed development includes an increase in ridge height by approximately 0.75m. The neighbouring dwelling no.4 is sited at a lower land level, however, given that the application dwelling is set in from the boundary and that there would be no height increase directly adjacent to No. 4, it is not considered that any adverse harm would occur. No.8, to the south of the dwelling is set a significant distance away from the common boundary and therefore this would prevent the development from appearing unduly overbearing.
- 7.2.3 Extensions are also proposed to the rear of the dwelling. Appendix 2 of the Development Management Policies LDD states the following with regard to two storey rear extensions:

'Rear extensions should not intrude into a 45 degree splay line drawn across the rear garden on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.'

- 7.2.4 The plans indicate that there would be no intrusion of the 45 degree splay line as a result of the two storey extension when applied from the recessed building line of no.4. Amended plans were received during the course of the application amending the gabled roof form to the two storey element to a hipped roof form with dormer window. This has acted to reduce the overall bulk of the development which has also minimised harm to this neighbour which is sited at a lower land level. It is noted that the single storey element would have a catslide roof form which would intrude the 45 degree line. However, given it slopes away from the boundary and that the neighbour is set in from the boundary, it is not considered that the proposed development would be unduly overbearing. There would be no intrusion of the 45 degree splay line from no.8 and thus no harm would occur to this neighbour.
- 7.2.5 The existing flank chimney to the south of the dwelling would be re-sited, however, it would be located no closer to no.8 than existing and therefore there would be no harm.
- 7.2.6 With regard to the extended basement area, the plans indicate the provision of a light well to the front of the basement area. However, the plans indicate that this would be flush with the ground level and would therefore not result in any harm to adjacent neighbours.
- 7.2.7 With regard to overlooking, it is not considered that the rear facing fenestration would result in any increased harm to either neighbour relative to the existing situation. A number of flank windows are proposed facing towards no.4 and no.8. The ground floor windows facing no.4 would all serve non habitable rooms and would be set in from the boundary and thus it is not considered that there would be harm in terms of overlooking. It is noted that a first floor flank window is proposed within the existing front gabled projection which would serve a dressing room. Given the difference in levels, it is necessary to require this to be obscure glazed and top vent opening only. With regard to the additional fenestration in the flank wall facing no.8, given the separation distance between the two dwellings no adverse harm would occur.
- 7.2.8 There would be no harm to neighbours opposite the site due to the separation by the highway. There are no residential neighbours to the rear that would be adversely affected.
- 7.2.9 In summary, subject to conditions, the development would not result in harm to residential amenity. The development is 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.
- 7.3 Amenity Space Provision for future occupants
- 7.3.1 The dwelling has a large amenity space exceeding 1000square metres, therefore, even with the development there would be sufficient amenity space for a dwelling of this size.
- 7.4 Wildlife and Biodiversity
- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 A Preliminary Bat Roost Assessment has been submitted which states that the building is a suspected bat roost of moderate value. As such, two bat emergence/ re-entry surveys are required during the active bat season of May to September, one of these surveys should be

a Dawn re-entry survey. Given that the application was submitted during an unfavourable time of year to undertake bat activity surveys, an Outline Mitigation Strategy has been submitted. Herts Ecology have raised no objection to the details submitted, however, have advised that in accordance with the findings of the Bat Survey, a condition should be attached requiring further survey works to be undertaken.

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards'. There are protected trees within the vicinity of the site and at neighbouring properties. It is not considered that there would be significant harm to these trees given the distance between these and the existing dwelling, however, to ensure there is adequate protection from construction activities, it is considered necessary to add a pre-commencement condition requiring a tree protection scheme and method statement to be submitted.

7.6 Highways, Access and Parking

7.6.1 Appendix 5 of the Development Management Policies LDD advises that a dwelling with four or more bedrooms should have three off street car parking spaces. The plans indicate that there is provision for four cars within the garage, in addition to parking being available on the frontage. This would be sufficient for a dwelling of this size.

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:

5609 PLLP, 5609/A100 C, 5609/A101 O, 5609/A102 C, 5609/A103 O, 5609/A105 C

Reason: For the avoidance of doubt, in the proper interests of planning and to protect 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, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

C3 No development or other operation shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. This Construction Method Statement shall include details of how the development, including construction of the basement, can take place whilst retaining existing walls shown on approved plans 5609/A100 C and 5609/A102 C. The development shall only be implemented in accordance with the approved Construction Method Statement.

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

- C4 No development or other operation shall commence on site until a Method Statement of Arboricultural Works which indicates the construction methods and protection measures 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. The scheme shall include details of the location, depths and method of installing any service routes and shall be prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction'.

The development hereby approved shall be implemented only in accordance with the approved 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 Method Statement are in place on site.

The fencing or other works which are part of the Method Statement 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.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees 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).

- C5 Prior to the commencement of the development (including demolition, ground works and vegetation clearance) hereby approved, two bat emergence/re-entry survey (one of which shall be a dawn survey) should be undertaken during May to September (inclusive) to modify as appropriate the outline Bat Mitigation and Enhancement Plan. The results must be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

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

- C6 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials (including details of windows) shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

- C7 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 E - provision of any building or enclosure

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

- C8 Before the first occupation of the building/extension hereby permitted the first floor flank windows facing no.4 Astons Road 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).

8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk 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.

- I2 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.
- I3 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.
- I4 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.