

8. **19/1009/FUL - Demolition of existing dwelling at No.30 and erection of a replacement two storey detached dwelling with accommodation in the roofspace. Alterations to the siting of boundary between No.28 and 30 and alterations to frontage. Demolition of existing single storey side extension and garage and construction of two storey side and rear extension with rooflights to side of No.28 at 28-30 BISHOPS AVENUE, NORTHWOOD, HA6 3DG. (DCES)**

Parish: Batchworth Community Council
Expiry of Statutory Period: 20 August 2019

Ward: Moor Park and Eastbury
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: The application has been called in by 3 Members of the Planning Committee unless officers are minded to refuse.

1 Relevant Planning History

1.1 28 Bishops Avenue

1.2 W/623/73 - Conversion of existing garage and construction of a new garage - Permitted

1.3 18/1591/FUL - Demolition of existing single storey side extension and garage and construction of two storey side and rear extension with rooflights to side, change of position of boundary serving No.30 and alterations to access - Permitted, not implemented

1.4 19/0954/NMA - Non material amendment to planning permission 18/1591/FUL: Alterations to retain the existing front garage door opening, removal of rear first floor window, reduction of rooflights and replacement with sun tunnels - Permitted

1.5 30 Bishops Avenue

1.6 W/367/67 - Conversion of garage and extension to garage - Permitted

1.7 02/01613/FUL - Single storey rear extension - Permitted

1.8 06/1136/FUL - Two storey and single storey side and rear extensions - Permitted

1.9 07/0799/FUL - Two storey and single storey side and rear extensions, first floor side extension and single storey front porch extension - Permitted

1.10 07/1876/FUL - Variation of Condition 2 on Planning Permission ref 07/0799/FUL: Rendering of first floor walls - Permitted

1.11 18/0188/FUL - Part two storey, part single storey rear extension, front porch and construction of basement level - Permitted

2 Description of Application Site

2.1 The application site includes both No.28 and No.30 Bishops Avenue which are sited on the south eastern side of Bishops Avenue. Both dwellings are detached two storey dwellings.

2.2 No.28 has a catslide roof form to the north eastern side and has an attached single storey garage to the south west. The existing dwelling is built of a brown brick with white uPVC windows.

2.3 To the front of No.28 is a carriage driveway with areas of soft landscaping and to the rear is a garden mostly laid as lawn.

- 2.4 No.30 is a detached dwelling with a white painted render exterior to the first floor with brown uPVC windows and has undertaken single storey and two storey extension. No.30 has an existing carriage driveway to the frontage with hedging to the boundaries. The driveway itself is block paved.
- 2.5 The neighbour at No.26 is a detached dwelling with a pitched roof and built of a brown brick. This property has existing two storey side and rear extensions.
- 2.6 The neighbour at No.32 is a two storey detached dwelling sited on a slightly higher land level to No.30. This neighbour has a single storey rear extension and a single storey side and rear projection which is set up to the boundary with No.30.

3 Description of Proposed Development

3.1 This application seeks planning permission for the demolition of the existing dwelling at No.30 and erection of a replacement two storey detached dwelling with accommodation in the roofspace. Alterations to the siting of boundary between No.28 and 30 and alterations to frontage. Demolition of existing single storey side extension and garage and construction of two storey side and rear extension with rooflights to side of No.28.

3.2 Planning permission was granted at No.28 via application reference 18/0188/FUL for the development as described below:

The proposed development would include repositioning the existing boundary line with No.30 4.1m closer to No.28. The revised boundary line would be 1.2m from the flank of the existing dwelling.

The proposed new boundary would also result in an amendment to the existing layout of the frontage. The existing dropped kerb would be repositioned and a section of the front boundary wall demolished. The semi-circle of soft landscaping would also be reduced scale.

The existing ground floor projection and catslide roof would be removed from the north eastern side of the dwelling and a new projection constructed to the south western side. This element would have a width of 2.5m set up to the boundary and would have a catslide roof form adjoining the existing eaves to reflect that existing.

The proposed development also includes a first floor side extension is also proposed which would have a width of 1.4m with the new catslide roof adjoining the eaves of this extension.

The proposed two storey rear extension would have a depth of 4m at first floor level and 4.8m at ground floor level. The existing ridge would increase in depth by 1m before stepping down to a flat roofed section 0.7m below the main ridge. The ground floor would have a mono pitched roof with a height of 3.3m and eaves height of 2.3m.

3.3 This application seeks to include the above described development and to combine it with the development at No.30. The proposal at No.28 differs from that described above for the following reasons:

- The proposal now includes external render to existing dwelling and the extended parts. The render would be smooth and painted white. The agent has also confirmed that the window frames are proposed to be charcoal grey and the roof tiles would be to match the existing dwelling.
- Existing garage door is now to be retained (Approved via 19/0954/NMA)
- A single casement window within the first floor rear elevation to be removed (Approved via 19/0954/NMA)

- Removal of flank rooflights and ground floor window except one (Approved via 19/0954/NMA)
 - Addition of 3 sun tunnels, 2 within the roof and 1 at first floor level (Approved via 19/0954/NMA)
- 3.4 This application also includes the demolition of No.30 and a replacement two storey dwelling.
- 3.5 The main two storey section of the dwelling would have a depth of 12.8m along the flank facing No.32 and a depth of 14.6m adjacent to No.28. A two storey flat roof projection is also proposed which would extend to the south western side of the central rear gable and would be in line with the eaves.
- 3.6 The land levels would be lowered by 0.6m to accommodate the new dwelling. The new dwelling would have a hipped roof with a two front gable projections and a central rear gable. From the new land level the dwelling will have a maximum height of 10m (eaves height 6m). The front gable features will be set down from the main ridge by 1.5m and the rear gable set down by 1.3m.
- 3.7 A single storey rear projection is also proposed to the north eastern side of the dwelling which would have a depth of 7.8m, width of 5.7m and would have a flat roof with a height of 3.5m.
- 3.8 Two front rooflights are proposed within the front roof slope.
- 3.9 Owing to the change in the boundary line between No.28 and 30 the proposal also includes alterations to the frontages. The hardstanding to the front of No.30 would be extended to the parcel of land which is currently occupied by hedging at No.30 and soft landscaping at No.28. The proposal includes altering the northern eastern dropped kerb owing the change in the location of the boundary line.
- 3.10 Amended plans have been received to reduce the width of the proposed dwelling, reduce the glazing at first floor facing No.28 and to remove rear gable projection adjacent to No.28.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Council: No comments received

4.1.2 Hertfordshire County Council – Highway Authority: [No objection subject to conditions]

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

1. Access / Highway Works

Prior to the first use of the development hereby permitted the vehicular accesses and associated highway works shall be provided and thereafter retained at the position shown on the approved plan drawing numbers 5567-PL 001 B & C. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway. The verge, footway and a full height kerb shall be reinstated where the existing access is no longer required in accordance with a detailed scheme to be agreed with the Local Planning Authority in consultation with the Highway Authority, concurrently with the bringing into use of the new accesses.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Pedestrian Visibility Splays

Before the accesses are first brought into use 0.65 metre x 0.65 metre pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

HIGHWAY INFORMATIVE:

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

AN) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047

It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

COMMENTS / ANALYSIS:

The application comprises of the demolition of the existing dwelling and erection of replacement dwelling at No.30 Bishops Avenue, Northwood in addition to an extension and

associated works at No.28 Bishops Avenue. Bishops Avenue is designated as an unclassified local access road, subject to a speed limit of 30mph and is highway maintainable at public expense.

VEHICLE ACCESS & PARKING:

There are two existing vehicle crossovers (VXOs) to No.28 leading to an in/out carriage driveway. The proposals include altering one north-eastern VXO to the driveway, the details of which are shown on submitted drawing no. 5567-PL 001 B. The general details are considered to be acceptable by HCC as Highway Authority although the VXO will only be approved to a maximum width of 4.5m (made up of three flat kerbs and two ramped kerbs). Furthermore full height kerbs, the footway and highway verge would need to be reinstated where the existing VXO is no longer required.

The applicant will need to enter into an agreement with HCC as Highway Authority in relation to the required changes to the existing VXO and any other highway works - please see the above informative. Any changes required to the VXOs for No.30 would also need to be included and approved as part of this agreement. It is unclear from the application whether or not any changes are proposed to the access to No.30.

DRAINAGE:

The proposed driveway works would need to make adequate provision for drainage on site to ensure that surface water does not discharge onto the highway. Surface water from the site would need to be collected and disposed of on site in order for the proposals to be acceptable.

EMERGENCY VEHICLE ACCESS:

The proposed replacement dwelling and extensions are within the recommended emergency vehicle access of 45 metres from the highway to all parts of the building. This is in accordance with the guidance in) MfS, Roads in Hertfordshire; Highway Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouse.

CONCLUSION:

HCC as Highway Authority has considered that the proposal would not have an unreasonable impact on the safety and operation of the highway and subsequently considers that the proposals are acceptable, subject to the inclusion of the above planning conditions. The applicant will need to enter into an agreement with HCC as Highway Authority in relation to the works required on highway land.

4.1.3 Herts Ecology: [No objections] – Herts Ecology have reviewed photographs of the roofs and do not consider that further surveys are required but have requested an informative be attached.

4.1.4 Herts and Middx Wildlife Trust: No comments received

4.1.5 National Grid: No comments received

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7 (Re-consulted for 14 days, expiring 7 August)

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired 24.07.2019 Press notice: Not required

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 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 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 Development 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, DM4, DM6, DM13 and Appendices 2 and 5.

6.3 Other

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

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

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

7 Planning Analysis

7.1 Principle of Development

7.1.1 The application site is not located within a Conservation Area nor are there any protected buildings within the immediate vicinity of the site. Therefore there are no objections to the

principle of the demolition and replacement of No.30 subject to compliance with relevant material considerations.

7.2 Impact on Character and Street Scene

- 7.2.1 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'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials. 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 street scene.
- 7.2.3 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of the area. Appendix 2 of the DMP LDD sets out a guideline that single storey side extension will be assessed on their own individual merits in relation to their proximity to the boundary. Two storey extensions should be set in 1.2m from the boundary at first floor level.
- 7.2.4 Appendix 2 of the DMP LDD outlines that increases to ridge height will be assessed on their own individual merits. However are unlikely to be supported where roof forms are uniform in style and height.
- 7.2.5 As outlined within the proposed development section above the extensions at No.28 have been granted previously via application reference 18/1591/FUL. This proposal also including the relocation of the boundary line and the development was considered to be acceptable for the following reasons:

The proposed development would result in a reduction in the overall plot width by 4.1m however 1.2m spacing would still be retained to the north eastern side of the site. It is acknowledged that as a result the plot size of the application site would be narrower of those serving the immediate neighbours. However spacing would be retained to the sides of the application dwelling in accordance with Appendix 2 of the DMP LDD. Given this in addition to there being some variation in plot sizes within the wider street scene/area it is not considered that the revised plot size

The proposed first floor side extension would be set in 1.15m from the boundary however would be incorporated within the proposed catslide roof form and therefore would retain a greater perception of spacing to this side of the site. The proposed single storey element would be set to the flank boundary however given that there is an existing flat roofed garage to this side of the site it is not considered that this element of the proposed development would result in unacceptable harm to the character of the street scene.

Some views of the proposed two storey rear extension would be visible from the street scene. However given that it would be set down towards the rear and would be set in 1.2m from the flank boundaries and that it would reflect the existing pitched roof form it is not considered that it would appear excessively prominent within the street scene or

disproportionate to the existing dwelling so as to result in detrimental harm to the character of Bishops Avenue.

The proposed single storey element would have a depth of 4.8m and as such would exceed the guidelines set out in Appendix 2 of the DMP LDD which sets out that generally single storey extensions to detached dwellings should not exceed a depth of 4m. However given its siting to the rear would not be readily visible from the street scene of Bishops Avenue. With this considered in addition to its single storey nature and relatively low eaves height it is not considered that it would appear disproportionate to the host dwelling or excessively deep relative to the depth of the plot.

- 7.2.6 This application also proposed some minor alterations (as outlined at 3.3) which were considered to be non-material and permitted via application 19/0954/NMA. In addition to these amendments the existing dwelling at No.28 and the extensions are proposed to be rendered. Given the variation in materials along Bishops Avenue with other rendered dwellings evident within the street scene, it is not considered that this alteration would appear incongruous within the street scene.
- 7.2.7 Owing to the proposed change in the location of the boundary between No.28 and No.30 the plot serving No.30 would be wider. As previously outlined the extensions to No.28 would still maintain sufficient spacing and would respect the spacing which is characteristic of the area. It is acknowledged that the proposed replacement dwelling at No. 30 is of a larger scale than the one it replaces however it is considered acceptable for the following reasons.
- 7.2.8 It is acknowledged that there is a gradually step in ridge heights to reflect the rise in land levels from south west to north east along Bishops Avenue. However this step is not linear and the ridge widths, scale of dwellings and architectural design are not uniform. Whilst the excavation of land is proposed as part of the development to aid in lowering the height of the new dwelling it would still be marginally higher than that of No.32 however the eaves height would still be lower. Given the lack of clear uniformity within the street scene it is not considered that the increase in ridge height would appear unduly prominent or result in harm to the street scene.
- 7.2.9 The proposed new dwelling would be set in a maximum of 1.6m from the boundary with No.32 reducing to 1.5m towards the rear and 1.5m from the boundary with No.28. The proposed dwelling would therefore exceed the 1.2m guidance set out within Appendix 2. Whilst the proposed dwelling would have a deeper overall footprint and would be of a greater scale it is still considered that the new dwelling respects the spacious character of the street scene and would not appear excessively prominent within the wider context of Bishops Avenue where a number of large detached dwellings are evident. The stepped nature of the rear elevation with set down front and rear gables also aids in breaking up the elevations and gives them visual interest and reduces the overall bulk of the dwelling. The use of more traditional roof forms as opposed to the introduction of a crown section which can be indicative of an excessive depth is also indicative of the sympathetic design approach taken in reducing the impact of the new dwelling within the street scene.
- 7.2.10 It is noted that the proposed dwelling would be a more contemporary design than the existing dwelling. However there are other similar designs evident within the street scene and overall the dwelling still responds to the spacing of the area and the size of the site. Therefore it is not considered that the proposed design approach appears at odds within the street scene.
- 7.2.11 The agent has confirmed that notwithstanding the materials outlined within the application form the replacement dwelling would be brick to the exterior. However the exact brick, window colour and roof tiles are yet to be confirmed. A condition will therefore require the submission of these details.

- 7.2.12 Given that there are other front rooflights and other front features including dormer windows evident within the street scene it is not considered that the two proposed front rooflights would appear unduly prominent or incongruous.
- 7.2.13 Whilst additional hardstanding is proposed to serve No.30, as existing the frontage is block paved with very limited soft landscaping. Whilst the proportions of hardstanding would be greater this could be laid under permitted development and is not considered to be any more urbanising than the existing frontages.
- 7.2.14 In summary the scale and massing of the proposed replacement dwelling and the extensions to No.28 are considered appropriate and the development would respect the character and appearance of the host dwelling (in the case of No.28) and street scene and would accord with Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) in this regard.

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.3.2 Appendix 2 of the DMP LDD outlines that two storey rear and side extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and positions of windows and development on neighbouring properties.
- 7.3.3 Appendix 2 of the DMP LDD also sets out that single storey side extensions should be assessed on their own individual merits.
- 7.3.4 As outlined within the proposed development section above the extensions at No.28 have been granted previously via application reference 18/1591/FUL. This proposal also including the relocation of the boundary line and the development was considered to be acceptable for the following reasons:

The proposed two storey rear extension would intrude a 45 degree splay line when taken from the point on the new boundary level with the set back two storey element of No.30. However it would not intrude from the existing boundary line or the two storey rear projection of this neighbour. Given the spacing between the properties and the pitched roof form, set down towards the rear, it is not considered that the proposed two storey rear element would result in an unacceptable overbearing impact or loss of light to this neighbour.

The proposed two storey rear extension would not intrude a 45 degree splay line when taken from the point on the boundary level with the rear elevation of No.26. Given this in addition to the catslide roof form and that it would be set down towards the rear it is not considered that this element would result in detrimental harm to this neighbour.

The proposed single storey rear extension would have a maximum depth of 4.8m beyond the existing rear elevation and as such would exceed the guidelines of Appendix 2. However given that the existing rear elevation of No.26 projects beyond that of the application site and that there is an existing single storey garage set up to the boundary, in addition to the hipped roof form of this element it is not considered that it would result in detrimental harm to No.26. The neighbour at No.30 has an existing garage set up to the boundary with the

application site. Given this in addition to the spacing that would be maintained and its single storey nature it is not considered that it would result in detrimental harm to this neighbour.

It is considered appropriate that the proposed first and second floor level flank rooflights are conditioned to have a cill height of at least 1.7m in order to prevent unacceptable overlooking to neighbouring amenity.

- 7.3.5 Given that the proposed development now includes the replacement of No.30 with a larger dwelling the extension at No.28 would no longer intrude a 45 degree splay line from the point on the boundary level with the two storey rear of the new dwelling. There have been no change in on site circumstances and the relationship between the extensions at No.28 and the neighbour at No.26 remains acceptable.
- 7.3.6 The rear of the proposed new dwelling at No.30 would project roughly in line with the extended two storey rear elevation of No.28. It is acknowledged that the proposed dwelling would be of a greater scale and overall height compared with the existing dwelling however given that it would have a hipped roof and would be set off the boundary by 1.5m it is not considered that the proposed dwelling would result in unacceptable loss of light or an overbearing impact to No.28. A condition will also be added requiring both elements of the development to be implemented and completed together. The proposed two storey flat roof element would marginally intrude a 45 degree splay line from the point on the boundary level with the extended rear of No.28 however this element would be set off the boundary, with a height in line with the eaves of the new dwelling and given that this element would not intrude a 45 degree splay line when taken from the corner of the building it is not considered that it would result in unacceptable harm.
- 7.3.7 The first floor flank windows facing No.28 serving Bedroom 4 are high level and would therefore not afford views towards this neighbour. The first floor window serving the en-suite will be conditioned to be obscure glazed and non-openable. There is also a first floor window within the two storey rear projection however this would serve a void over the ground floor and therefore would not facilitate any overlooking.
- 7.3.8 The proposed dwelling would intrude a 45 degree splay line with the neighbour at No.32 by approximately 1m. However it is noted that the extensions previously approved at No.30 via application reference 18/0188/FUL also intruded by 0.6m. It is acknowledged that the proposed dwelling is of a larger scale however given that it would be set off the boundary by 1.5m, with a traditional hipped roof form, that this neighbour is on a slightly higher land level and that the dwelling would not intrude from the corner of the neighbouring building it is not considered that the proposed dwelling would result in unacceptable harm to this neighbour.
- 7.3.9 The proposed new dwelling also include a single storey rear projection which would have a depth of 7.8m. When applying the guidelines of Appendix 2 of the DMP LDD which outlines that generally extensions to detached dwellings should not exceed a depth of 4m the proposed projection would exceed this. However it is noted that there is an existing boundary wall between No.30 and No.32 in addition to a single storey side and rear projection which abuts the boundary with No.30. Therefore when considered in addition to its single storey flat roofed nature and siting off the boundary it is not considered that this element would have an unacceptable impact on No.32.
- 7.3.10 The first floor windows within the flank facing No.32 serve a dressing room and en-suite and therefore will be conditioned to be obscure glazed and top level opening only in order to mitigate overlooking to this neighbour.
- 7.3.11 In summary, whilst the proposed development would not comply with all aspects of the design guidelines, given the site circumstances and relationships with neighbouring properties it is not considered that the proposed development would result in demonstrable harm justifying the refusal of planning permission and the proposal would therefore comply

with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Amenity Space Provision

7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. The Design Guidelines (Appendix 2 of the Development Management Policies document) set out that a four bedroom dwelling should retain 105sqm of amenity space and a 5 bedroom dwelling should provide 126sqm of amenity space.

7.4.2 No.30 would retain approx. 448sqm of amenity space whilst No.28 would have approx. 335sqm. As such both dwellings would retain ample amenity space.

7.5 Wildlife and Biodiversity

7.5.1 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.

7.5.2 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.

7.5.3 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. The roof tiles of both properties appear in good condition and Herts Ecology have confirmed that further surveys will not be necessary however an informative would be added to any granted consent advising the applicant what to do should bats be discovered during the course of development.

7.6 Trees and Landscaping

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

7.6.2 There is a protected tree within the rear garden of No.30. Whilst the proposed development would be outside of the root protection area of the tree it is considered appropriate to condition the submission of a tree protection plan to safeguard the tree during construction.

7.7 Highways, Access and Parking

7.7.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and advise that a four or more bedroom dwelling should provide parking for three vehicles.

7.7.2 Appendix 5 outlines that dwellings with 4 or more bedrooms should provide 3 onsite parking spaces. Both dwellings will provide 3 onsite parking space and as such comply with the guidelines of Appendix 5 in this respect.

7.7.3 The alterations to the frontage and access have been reviewed by the Highways Officer who has no objections to the proposal in relation to highway safety subject to the inclusion of conditions.

7.8 Sustainability

7.8.1 Paragraph 153 of the NPPF outlines that in determining planning applications Local Authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption

7.8.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.8.3 Policy DM4 of the DMPLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.8.4 An energy statement is not required for No.28 however an energy statement has been submitted for the development at No.30. This statement prepared by KUP LLP dated April 2019 confirmed there will be an energy saving of 8.9% and therefore complies with the requirements of Policy DM4. Given that photovoltaic panels are included as a contributor to the energy efficient measures used a condition will be added to require the submission of details to outline their size and siting.

8 **Recommendation**

8.1 That subject to no new material considerations being raised, 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: 5498- A100 Rev E, 5498-A101 Rev C, 5498-A102 Rev D, 5498-A105 Rev A, 17106-17-02, 17106-17-03, 18152-18-01, 18152-18-02, 18152-18-03, 5498/PLLP, 5567-PL001 REV B, 5567- EX001, 5567-PL005 Rev B,

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM13 and

Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 The extension at No.28 Bishops Avenue shall use matching roof tiles. The dwelling shall not be finished externally other than in white painted smooth render and the windows shall be 'charcoal grey' in colour and no external materials shall be used other than those approved.

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

- C4 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials of the replacement dwelling at No.30 Bishops Avenue 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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of the protected Oak tree within the rear garden of No.30 (T.14 TPO454) and its root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in full 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 as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 Prior to the first use of the development hereby permitted the vehicular accesses and associated highway works shall be carried out and completed in accordance with the layout shown on approved plan number 5567- PL 001 Rev C. Sufficient measures shall be installed for the interception and dispersal of surface water including drainage to prevent discharge on to the highway.

Before the access are brought into first use a 0.65m x 0.65m pedestrian visibility splay shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Where the existing access is no longer required details in respect of full height kerbs, verges and footpaths shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented in accordance with the approved details.

Reason: This is a prior to first occupation condition to minimise danger, obstruction and inconvenience to highway users in the interests of safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C7 The development hereby permitted at No.28 and No.30 Bishops Avenue shall be commenced and completed at the same time in accordance with the submitted application.

Reason: To safeguard the amenities of the area and 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 of the Development Management Policies LDD (adopted July 2013).

- C8 Prior to works above ground level, plans and details of the photovoltaic panels for No. 30 shall be submitted to and approved in writing by the Local Planning Authority. The approved details and energy saving measures detailed within the submitted Energy Statement shall be implemented prior to occupation of No. 30 and shall be 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 ensure that the development makes as full a contribution to sustainable development as possible.

- C9 The proposed first floor flank window within the north eastern elevation and the first floor window serving the en-suite within the south western elevation of No.30 Bishops Avenue 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 windows within the first floor flank serving bedroom four of No.30 Bishops Avenue shall be obscure glazing and high level as shown on drawing number 5498/A102 Rev D. 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).

8.2 **Informatives:**

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

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

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- 12 The 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 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

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

or an appropriately qualified and experienced ecologist.

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

- 15 Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.

- 16 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.