

## PLANNING COMMITTEE - 10 SEPTEMBER 2020

### PART I - DELEGATED

- 7. 20/1231/RSP: Part Retrospective: Part single, part two storey rear extensions, rear dormer window, alterations to front porch, internal alterations, alterations to fenestration, hanged tile to first floor rear extension wall and alterations to hard and soft landscaping including new front boundary wall, retaining walls, driveway, rear raised patio and new planting at 21 ASTONS ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LB**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 21.08.2020  
Extension of time agreed: 18.09.2020

Ward: Moor Park and Eastbury  
Case Officer: Clara Loveland

Recommendation: That Planning Permission be Granted.

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

#### **1 Relevant Planning and Enforcement History**

- 1.1 19/1314/RSP: Part Retrospective: Part single, part two storey rear extensions, rear dormer window, alterations to front porch, internal alterations, alterations to fenestration and alterations to hard and soft landscaping including new front boundary wall, gate, retaining walls, increased driveway, rear raised patio and new planting. Withdrawn.
- 1.2 19/0027/COMP: Changes to frontage including new brick wall and works not in accordance with planning permission 15/1308/FUL. Pending consideration.
- 1.3 15/1308/FUL: Part single, part two storey rear extensions, alterations to front porch, creation of basement level, internal alterations, alterations to fenestration and alterations to landscaping. Permitted, not implemented in accordance with approved plans.
- 1.4 15/0729/FUL: Two storey front and rear extensions, single storey front extension, creation of basement, provision of roof level accommodation served by dormers and rooflights, internal alterations and landscaping works including provision of decking to rear. Withdrawn.
- 1.5 14/1785/CLPD: Certificate of Lawfulness Proposed Development: Installation of 1m high fence. Granted.
- 1.6 14/0553/FUL: Demolition of existing dwelling and erection of two detached dwellings with associated landscaping and new vehicle crossover. Refused and dismissed at appeal (Reference: APP/P1940/A/14/2225666).
- 1.7 8/835/87: Existing garage into dining room, new garage, utility room, bedroom and bathroom. Permitted and implemented.

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

- 2.1 The application site comprises a large detached dwelling formally situated on an extensive plot on the corner of Astons Road and Thornhill Road in Moor Park. The plot has recently been subdivided via close boarded fencing with the host dwelling positioned towards the south west of the wider site which is also under the ownership of the applicant. The host dwelling has also recently been extended, predominately to the rear although works have ceased.

- 2.2 The host dwelling is a pre-1958 dwelling designed by the Moor Park architect JE Henderson in 1938 and was characterised by Arts and Crafts features; original white rough rendered finish and steeply pitched front to back roof form. Prior to recent additions, the house was extended back in the 1980's with the introduction of a two storey side extension with an integral garage.
- 2.3 To the front of the house there is a sloping frontage rising from north to south which has been cleared of vegetation and is predominately laid with a hard surface to facilitate a driveway with various retaining walls evident. To the side of the house to the immediate south there is a further area of hard surfacing and a retaining wall abutting the boundary with No.23 Astons Road which has been planted with Laurels.
- 2.4 To the rear of the house there is an unauthorised raised patio area with associated steps adjacent to the close boarded fencing which runs along the newly created northern boundary. The raised patio area also steps down to a lawn area which has been altered following the importation of spoil, some of which has been removed. The garden area is relatively large in size enclosed by hedging and towards the northwest part of the application site there is a large natural drop in land levels. Within this area there are three significant protected trees (labelled as T23, T24 & T25 on the submitted block plan).
- 2.5 The newly created plot to the north of the application site which forms the corner of Astons Road and Thornhill Road is located on a lower land level and previously formed part of the garden of the host dwelling (still has a lawful use as residential) but currently serves no active use.
- 2.6 The streetscene comprises large detached dwellings of varying design and scale all located within extensive plots.
- 2.7 With regards to policy designations the application site falls within the Moor Park Conservation Area.

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

- 3.1 This application seeks part retrospective planning permission for a part single, part two storey rear extensions, rear dormer window, alterations to front porch, internal alterations, alterations to fenestration, hanged tiling to first floor rear extension wall and alterations to hard and soft landscaping including new front boundary wall, retaining walls, driveway, rear raised patio and new planting.
- 3.2 At the rear of the original dwelling two, two storey rear projections have been built, each of which extend to different depths. The two storey extension to the northern end of the house has a maximum depth of 2.2m (excluding bay window projection at first floor level) and width of 6.6m, set in from the original northern elevation by 0.3m. This extension has a gabled roof form at a height of 7.5m and is set down from the ridge by 0.3m. In terms of fenestration there are two windows within the rear elevation at ground level and a bay window at first floor level. The part single, part two storey extension to the southern end of the house has a depth of 4.8m at ground level and 4m at first floor level. The extension has a width of 6.5m and a gabled height of 7.5m, set down 0.3m from the ridge level. At ground level there are conservatory style doors within the rear elevation with large glazing (and a circular window above) serving a bedroom at first floor level which opens out onto a balcony enclosed by glazed balustrades. Between both extensions there is an infill ground floor flat roofed extension at a width of 3.8m. Above the extension is a flat roofed first floor addition.
- 3.3 The proposal seeks to alter the abovementioned extensions by:
- Treating the existing plain clay tiles to the roof to dull their current appearance.
  - Introducing clay tile hanging (to match roof) to the first floor flanks and rear of the extensions.

- Erection of a replica chimney projecting above the ridge line of the dwelling on the southern side.
- The infill flat roof extension would be altered to include clay plain tile on the roof.
- Reduction in the width and fenestration detailing of the first floor central addition located in between both rear projection and extension of rear roofslope.
- Removal of glass balustrade on the southern first floor extension and replacement with metal balustrades.

3.4 This application also seeks changes to the exterior of the entire house, including the extensions as follows:

- The existing rendered walls to all elevations to be painted white.
- Introduction of glazing bars into all windows with the exception of the ground and first floor rear doors located on the southern extension.

3.5 Further changes to the front elevation and frontage under this application include:

- Erection of a porch with a hipped roof form measuring 3.3m in height, 0.8m in depth and 3.5m in width. The fenestration includes a single door with full length glazing proposed either side.
- All dry cast light window cills to be painted white.
- Soft wood window surrounds to be painted white.
- The omission of the unauthorised carriage driveway and replacement with single access, served by current entrance.
- Introduction of soft-landscaping with hedging to be planted immediately behind the new front walls complemented by 5 new trees and shrub planting adjacent to a new circular water feature.
- Reduction in height of the front boundary red bricked front wall/piers to 1m and removal of the brick wall returns.
- Retention of the retaining brick walls at varying heights to hold Laurel vegetation along the southern boundary.
- Bin area located on the northern boundary, set back from the front boundary by approximately 3.6m.
- Northern boundary fence panels to be painted dark brown.
- Addition of soft-landscaping adjacent to the northern boundary.

3.6 To the rear of the host dwelling a splayed raised patio has been built which extends across the entire width of the extended house and has a depth ranging between 2.8-7.1m in depth (including steps). The raised patio includes various raised planters and connects to a flight of concrete steps which abut the northern boundary. It is proposed to retain the patio and steps in its current form whilst introducing three vertical aeration pipes within the patio and low level ornamental planting. Elsewhere, the submitted details indicate that the deposited spoil within the rear garden will be removed from the root protection area of T25 (the rear most protected tree).

3.7 It should be noted that amended plans were sought and received during the course of this application after concerns were raised with various elements of the scheme upon submission.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Batchworth Community Council: [No comment. Any comments received will be verbally updated at the Committee meeting]

4.1.2 Conservation Officer: [Initial comment; objection]

*"The property is located within the Moor Park Conservation Area. Designated in 1995, the area covers the residential estate of Moor Park (named after the Moor Park Mansion on which the development stands) laid out in the 1920s and 1930s with further development taking place in the 1950s following the removal of war time restrictions on building materials. No. 21 Astons Road was constructed in the late 1930s and so forms part of the earlier phase of development. The houses of the 1920s and 1930s are integral to the character and appearance of the Conservation Area, as recognised within the character appraisal.*

*Permission was granted (15/1308/FUL) for the erection of two storey rear extensions, however, the extensions and alterations as constructed were not in accordance with the approval. There have been improvements following advice on a previous application (19/1314/RSP). However, there are some elements of the proposal that do not go far enough to address previous heritage concerns and further improvements could be made.*

*Previous heritage advice requested: 'The creation of a unified appearance to the windows, adding glazing bars to the first floor and rear windows. Glazing bars are not required on the large patio doors, which are of a different proportion and are not consistent with the appearance of the rest of the fenestration'. The rear elevation fenestration is still lacking detail and the fenestration does not respond to the architectural character of the property. The disjointed appearance in fenestration between the front and rear elevation detracts from the appearance of the building.*

*Introducing aluminium balustrading to the outside face of the glass does not address previous heritage advice. The appearance and reflection of the glass will still be visible through gaps in the railings which will be untraditional in appearance. It is recommended the glass balustrade is removed in its entirety.*

*Additionally, previous advice recommended: 'Better detailing to the rear flat roof, single storey projection (stepped coping/cornicing detail to be agreed). The use of stone cornicing, as proposed, does not relate to the host property or the Conservation Area, where stone is rarely used. A redesign of the parapet wall should be considered.' This proposal still seeks to use stone for cornicing and cills. As previously stated, stone is not a commonly used construction material in this area, and it would be inappropriate within the Conservation Area. If painting the stone white will affect the integrity of the stone, I recommend cills are timber to better relate to the architectural context of the property and the Conservation Area. A rendered brick detail to the rear parapet coping may be more appropriate.*

*Annotated plans still note traditional cedar wood cladding on the rear elevation, although the drawings show hung tiles. The annotation should be removed from the drawing for clarity (drawing no. 011).*

*There have been improvements regarding the landscaping, the reinstatement of greenery and planting works to preserve the character and appearance of the Conservation Area. However, previous advice recommended that the brick wall should be no higher than one meter with no taller piers and that the brick returns should be removed. Although there have been improvements to the appearance of the driveway, the brick wall returns remain. Therefore, the alterations do not go far enough to address heritage concerns.*

*In summary, it is recommended that the following alterations are made:*

- Addition of glazing bars to the rear fenestration (not large patio/bi-fold doors);*
- Glass balustrading removed;*
- Cills are to be painted white or there is a preference for them to be timber;*
- Removal of brick wall returns to the front boundary of the property.*

*Additional details are required regarding the proposed windows with glazing bars, the moulded window surrounds and the front door. These could be reserved by condition, but it is recommended that they are submitted as part of the application as the detailing is vital to preserving the character and appearance of the Conservation Area.*

*Therefore, I am unable to support this proposal at present. If further alterations are made in line with the above recommendations, then this will likely address the remaining concerns.*

*With regards to the National Planning Policy Framework (2019), the level of harm is considered to be 'less than substantial' as per paragraph 196. 'Great weight' should be given to the heritage asset's conservation as per paragraph 193."*

Conservation Officer comments after first set of amendments: [Objection]

*"There have been improvements to the fenestration, the appearance of the front landscape and removal of brick returns and the drawings also correctly annotate the clay hung tiles.*

*There are still concerns regarding the stone corncicing of the single storey rear extension. Previous advice stated: 'Better detailing to the rear flat roof, single storey projection (stepped coping/cornicing detail to be agreed). The use of stone corncicing, as proposed, does not relate to the host property or the Conservation Area, where stone is rarely used. A redesign of the parapet wall should be considered.' This proposal still seeks to use stone for corncicing and cills. As previously stated, stone is not a commonly used construction material in this area, and it would be inappropriate within the Conservation Area. If painting the stone white will affect the integrity of the stone, I recommend cills are timber to better relate to the architectural context of the property and the Conservation Area. A rendered brick detail to the rear parapet coping may be more appropriate.*

*The stone cornice is still proposed and therefore all previous advice is still applicable. With regard to the cills, there is a preference for them to be white or as previously stated. I acknowledge that painting the cills white would compromise the stone - there may be potential to retain the stone cills if the stone cornice of the single storey rear extension was omitted from the final design and the parapet wall redesigned.*

*I would also require clarification regarding the materiality of the balustrading. The annotated drawings indicate metal balustrading, however, the drawings still show glass behind the metal balustrades. As previously stated this would not be appropriate as the reflection of the glass will still be visible through gaps in the railings.*

*The appearance of the front door is also not considered appropriate. It is modern in appearance and does not relate to the 1930s character of the house."*

Conservation Officer Comments after second set of amendments: [No objection]

*"The amended plans have removed the stone cornice, the cills will be painted white and there will be no glass balustrading which is considered to address previous heritage concerns.*

*With regards to the appearance of the front door; a traditional 1930s style in timber would be acceptable. This could be imposed as part of a condition or submitted pre determination."*

4.1.3 Moor Park Limited (1958): [Objection]

*"The Directors of Moor Park (1958) Limited would wish to raise the following strong objections, material concerns and related comments on the application proposals (including concerns over the misleading description and nature of some of drawings).*

*In our opinion the clear provisions contained within paragraphs 3.1, 3.4, 3.7, 3.10, 3.11 and 3.12 of the approved Moor Park Conservation Area Appraisal (MPCAA) are directly relevant to the application and are therefore material planning considerations. It is our view that very little (and in some respects no) regard has been paid to the aims and objectives of these crucial paragraphs in the preparation and submission of this latest RSP application, nor indeed to the overriding/statutory requirement of the latest scheme, to preserve or enhance the character and appearance of the designated Conservation Area.*

*Misleading drawings:*

*Before commenting in detail on the application itself, we would wish to express our extreme concern over the highly misleading nature of the submitted drawings, which we consider is extremely irregular. Whilst several of the drawings refer to “existing” – these in fact show the “currently unauthorised development” that clearly does not have the benefit of planning permission. Consequently, it is our view that these parts of the drawings should be re-labelled to make this 100% clear prior to the determination of the application.*

*The applicant has clearly undertaken wide ranging unauthorised works to this important pre-58 dwelling to create the so-called “existing” situation, and the manner in which the drawings have now been erroneously labelled gives the impression of relatively small measures of change between “existing” and “proposed”. The accurate/correct position would be to show the “pre-existing” situation i.e. prior to any works having taken place or at least, as a minimum, the current submissions should show the “existing” elevations/layouts as per the Council’s 2015 approval*

*This will show the true extent of the nature of the current application, not the artificial definition of “existing” as currently portrayed in the submitted drawings. We would respectfully ask that this is dealt with as a matter of urgency and for the purposes of accuracy/clarity.*

*Turning to our material planning comments; we VERY STRONGLY OBJECT to the proposal on the following basis:-*

- 1. In the first instance, we note that the Council’s Conservation Officer properly and clearly listed approximately 13 separate points, and material shortcomings in the scheme, in response to the previous (withdrawn) RSP application (ref 19/1314/RSP), that in our opinion now require to be met in full before any form of approval should be contemplated by the Council.*

*From the currently submitted information and drawings, it appears that the applicant’s architects have decided to “pick and choose” which matters will be adhered to from the Conservation Officers’ list and those they wish to still ignore or lightly set aside. We consider the outstanding shortcomings of those matters that still remain undealt with will result in an entirely unacceptable form of development and strongly urge that the full list of matters previously raised by the Council’s conservation expert requires to be incorporated into the scheme.*

- 2. While we note the proposed amendments to the frontage of the property compared to the withdrawn RSP scheme (i.e. between the front boundary of the property and front elevation of the dwelling), it is our view that the scheme still creates a very substantial and dominant area of hard-surfacing/hard-standing over almost the two thirds to three quarters of the entire front garden area.*

*It is clear that the extent of hard-surfacing is considerably beyond the provisions of paragraph 3.11 of the MPCAA which is that “...Areas of hard standing between the front and side of a house and the road should be no more extensive than is reasonably necessary to park and turn vehicles”. The relevant paragraph underlines these*

*objections by stating that "Extensive hard surfacing will not be considered to be sympathetic to the open character of the frontages in the conservation area".*

*As a result, the proposed extent of hard-surfacing that is still represented in the current RSP application creates a harsh, urbanising element that in our opinion fundamentally fails to preserve or enhance the character and appearance of the Conservation Area, and further, materially and unacceptably harms the character, attractiveness and setting of this important pre-58 dwelling that makes a positive contribution to the character of the Conservation Area. On this basis we wish to raise strong objections.*

3. *While we acknowledge the reduction in the height of the front boundary wall/piers (to a maximum of one metre) and the removal of the proposed gates compared to the earlier RSP scheme, the Council will be aware that paragraph 3.12 of the approved MPPAA states that "The open character of the frontages in the conservation area is one of its most pleasant features.....Walls, metal gates and railings will not be considered to be sympathetic as these are likely to alter the area's appearance".*

*In our opinion, while we accept that the reduced height of the front wall is likely to result in less harm to the appearance of the Conservation Area, we can see no need or planning justification for the walls to extend into the front garden area beyond the two piers that mark the end of the curved design part of the wall. By doing so, they unnecessarily intrude into the openness of the front garden area and would result in additional hard, urban and incongruous frontage features at this site. Furthermore, we are unclear from the drawings if additional walls are also proposed in the frontage of the property that link to the circular feature in the front garden. If this is the case, we would again wish to further object (on the same broad planning concerns as outlined above).*

*The overall impact of the "extended sections" of wall, is such that the proposals would fail to preserve or enhance the character and appearance of the designated Moor Park Conservation Area and fail to have any regard, sensitivity or sympathy either to the positive contribution the house makes in its Conservation Area setting or to the predominantly open character, well landscaped and attractive appearance of the overwhelming majority of properties within the vicinity.*

*Consequently, we would wish to formally object to the scheme on this ground. The Council is reminded that the original front boundary treatment at the time of the 2015 approval was an attractive, mature boundary hedge.*

*On this point, the Council will also be well aware of the numerous previous planning refusals and dismissed appeals for front boundary walls throughout the estate that supports our objections on this ground.*

*Please note - If the Council is minded to grant approval for a front wall at the property with no gates, we would suggest that a specifically worded condition will be required, and/or the removal of relevant permitted development, to ensure that the gates are not simply installed at a later date.*

4. *Despite the comments on page 6 in the submitted Design and Access statement ("bin enclosure is removed"), the scheme still clearly creates an incongruous open area for storing the refuse bins within the frontage of the property. In our opinion this would (i) unacceptably harm the character, attractiveness and setting of this important pre-58 dwelling that makes a positive contribution to the character of the Conservation Area, (ii) comprehensively fail to preserve or enhance the character and appearance of the designated Moor Park Conservation Area and (iii) fails to have any regard, sensitivity or sympathy to the predominantly open character, well landscaped and attractive appearance of the overwhelming majority of properties within the vicinity. Placing refuse bins in front garden areas is not in the best material planning interests of protecting or safeguarding the character or appearance of the Conservation Area, nor is it a principle*

*that ought to be supported in areas described as “heritage assets”. Consequently, we wish to raise a further objection on this ground.*

- 5. In our opinion, the proposals result in an excessive and damaging extent of plot coverage. By our calculations the plot coverage, shown by the submitted drawings on the red line application site, including the dwelling itself and all hardsurfaced areas, hardstandings, terraces of steps and raised patios is approaching 50%.*

*Indeed, taking a measurement at the approximate centre line of the site, it can be found that the angled section of raised patio at the rear of the dwelling is more than half-way down the total plot depth.*

*Paragraph 3.4 of the MPCAA clearly sets a maximum plot coverage of 15% in the interests of protecting and safeguarding the open character of plots within the Conservation Area.*

*As a result, this extent of plot coverage will both harm and materially detract from the open character of plots on the Moor Park estate and thereby fundamentally fail to preserve or enhance the wider character, openness and appearance of the designated Conservation Area. Consequently, we wish to raise our further strong objections and consider that the application should be robustly refused by the Council on this ground alone. The need for the removal of all residential permitted development is also a material planning consideration in the event that the Council is minded to re-consider the scheme at some stage in the future.*

- 6. In our opinion, the central roof feature in the proposed rear elevation is an extremely poor alternative compared to the well designed, small scale and well positioned/well-proportioned rear dormer in the 2015 approval. By comparison, the current proposal in this RSP scheme is set too far down the roof slope and lacks detail and articulation. Consequently, it appears bulky and excessive in size and therefore results in a cramped and unacceptable form of extension to this important pre-58 dwelling within the Conservation Area. As a result, it materially harms the visual appearance of the rear of the property and therefore it is our view that the Council should seek an appropriate amendment to the dormer feature prior to the determination of the application, having regard to the clear requirements of paragraph 3.7 of the approved MPCAA.*
- 7. Although it is not made clear on the submitted drawings, the submission incorporates the very extensive demolition to the interior of this pre-58 dwelling (and the loss of the entire rear wall) compared to the scheme approved under ref 15/1308/FUL. It is not sufficient for the applicant’s architects to merely show the so-called “existing” ground and first floor layouts (i.e. after the work has already been carried out) – they should be showing the ground and first floor layouts pursuant to the 2015 approval.*

*Given the Council’s negative experiences where this (or something similar) has occurred elsewhere in the Conservation Area (where the entire unauthorised demolition of a property resulted), and in light of the Council’s Chief Executive’s written commitments and reassurances to us towards a heightened level of scrutiny by the planning officers to similar cases in the future affecting protected pre58 dwellings on the estate (including specifically the requirement at registration stage to show the clear annotation of drawings to indicate what is to be demolished and what is to be retained), we would now expect the Council to (i) ensure that the drawings are duly annotated accordingly as a matter of urgency and (ii) seek a full and detailed construction methodology statement to be submitted for thorough professional assessment prior to the determination of the application in the interests of safeguarding this important pre-58 dwelling that a Planning Inspector and the Council have both previously sought to protect through the planning system. In our opinion to do otherwise runs directly counter to the reassurances previously given to us in writing by the Council’s Chief Executive. We note that velux windows are now included in the latest RSP version of the proposed*

development. This is contrary, in principle, to the provisions of para 3.10 of the MPCAA that states that velux rooflights are an “incongruous feature” in the Conservation Area and thence any visible from the street will not be acceptable.

8. Whilst the veluxes are shown in the flank and rear elevations, it is unclear if any may be partially visible, due to the application site being a corner plot (where Thornhill Road runs the full length of the return frontage) and also that the neighbouring property to the south sits substantially to the rear and hence does not serve to obscure any potential views along the Astons Road street scene. We would wish to register a formal objection to any that are visible, or likely to be visible, from any public vantage point on the basis of their unacceptable and incongruous visual impact on the design, character and appearance of the Conservation Area.
9. Finally, on a partly technical point, we consider that the red lines on the submitted drawings indicate that the applicant is treating the land at 21 Astons Road as two separate sites. In the assessment of the current RSP application we wish to ask the Council to remind the applicant of its refusal of planning permission regarding the creation of a second plot (under reference 14/0553/FUL) and which was subsequently dismissed on appeal. In short, there is only one site at 21 Astons Road and consequently there should only be one single application site marked in red.

In conclusion, we wish to highlight, and respectfully remind the Council of, the very negative response that was given in the 2019 pre-application submission on this site (ref 19/0555/PREAPP) that was the effectively the forerunner to this current RSP application.

This includes the following statements:-

“Having regard to the existing works to the dwelling, loss of landscaping and the erection of urbanising boundary treatments and increased areas of hardsurfacing the development would fail to preserve or enhance the character and appearance of the Conservation Area.....As no public benefits arise, the development would be unacceptable and the harm to the Conservation Area would weigh against the proposal “ and “the works which have occurred....have failed to preserve or enhance the character and appearance of the Moor Park Conservation Area and have eroded the special architectural character of the pre-1958 dwelling. In addition,.....the external works...have resulted in further harm to the Conservation Area....”

In light of the fact that the current RSP application is comparatively little changed compared to the submission made at the preapp stage, we would wish to both re-iterate our strong objections and ask the Council to now formally refuse the application and vigorously undertake to pursue formal enforcement action.

Finally, and for the avoidance of doubt, we shall seek Member support to call in the application if the Council’s officers are minded to now inexplicably recommend the scheme favourably, and thereby:-

- (i) turn aside the Council’s previous refusals (and the Inspector’s previous planning decision) that sought to properly protect this important pre-58 dwelling and
- (ii) turn aside the previously stated strong opposition to the proposals at the pre-app stage”

**Officer comment:** It should be noted that the drawings have been amended to avoid any misrepresentation. Significant amendments have been sought throughout the process and their acceptability will be discussed within the relevant analysis section. The Council has no evidence whatsoever that the house was substantially demolished as the initial report concerning unauthorised works simply related to the new boundary treatment. It would appear from site visits that a significant aspect of the original house and previous extension

(permitted via 8/835/87) was retained throughout the works. Whilst acknowledging that various internal walls have been removed this does not suggest that the house was substantially demolished. With regards to the subdivision of the site through the erection of close boarded fencing this does not currently result in a breach of planning control. Whilst the curtilage of the dwellinghouse has been made smaller, the corner plot (now physically separated from the house) is not in any active use. Whilst subdivided this parcel of land has a well-established use as residential and thus could be incorporated back into the property or adjacent property at any time without creating a material change of use.

4.1.4 Landscape Officer: [No objection].

*“The application is accompanied by a landscaping plan, which includes arboricultural detail, and there is mention in other documents in regard to a tree report, although no such document is available on the public website.*

*I am satisfied with the mitigation proposals in regard to the hardstanding within the RPA of T23 & T24. I am also satisfied that the level of encroachment, and associated loss of RPA/disturbance can be compensated elsewhere on site, contiguous to the trees RPA.*

*I do however have some concerns in respect to the annotation to the proposed works to remove soil around T25 and regrading of the slope. Although I understand the intention of the works, I am concerned over the methodology, unless this is provided within a tree report which I have not had sight of.*

*In light of the above, I do not wish to raise any objections, but would like the working methodology in respect to soil removal and regrading around T25 clarified/addressed before the works are carried out. This is a simple request, so would assume that it can be addressed before a planning decision is made.*

Additional Landscape Officer comments following more information:

*“I have no further concerns of objections to the proposal”*

4.1.5 National Grid: [No comment. Any comments received will be verbally updated at the Committee meeting].

4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 5

4.2.2 No of responses received: 2 objections, 0 letters of support

4.2.3 Site Notice: Posted 08.07.2020. Expired 29.07.2020

4.2.4 Press notice: Published 10.07.20. Expired 31.07.2020.

4.2.5 Summary of Responses:

- Brick walls are unattractive
- Development is unauthorised
- Loss of vegetation has harmed the pre-1958 host dwelling and Conservation Area.
- Urbanising form of development
- Plans are misleading e.g. separation of curtilage to the north of the site (within applicants ownership) and discrepancy between existing and pre-existing development
- Untidy site
- Bin store unsightly and too close to front boundary

5 **Reason for Delay**

5.1 Committee cycle and amendment plans sought.

## **6 Relevant Planning Policy, Guidance and Legislation**

### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

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

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

### **6.2 The Three Rivers Local 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, CP2, 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.

### **6.3 Other**

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

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

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

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

Moor Park Article 4 Direction 2004.

## **7 Planning Analysis**

### **7.1 Enforcement overview**

7.1.1 Following reports concerning the erection of brick walls/piers an enforcement case was opened and assigned the reference 19/0027/COMP which remains pending. After site visits to the property it became clear that further unauthorised works had occurred, namely significant deviations from planning permission 15/1308/FUL which are set out below:

- Changes to the two storey rear extensions including omission of tile hanging
- Addition of a first floor flat roofed extension in replace of a cat-slide roof with dormer
- Omission of basement
- Change to the external elevations of the house, loss of window surrounds and drip moulds
- Replacement of all roof tiles
- Land level alterations to rear following importation of spoil
- Addition of rear patio area and steps
- Erection of front walls
- Removal of soft landscaping to the frontage and side of house

7.1.2 As a result of the deviations it was the opinion of the Local Planning Authority that the 2015 planning permission had not been lawfully implemented and thus various works at the property remain unauthorised. Significant discussions have occurred with the applicant in an attempt to make wholesale changes to the unauthorised works.

7.1.3 It should be noted that the removal of trees and potential damage to individually protected trees within the rear garden through the importation of spoil/movement of earth is currently subject to an on-going investigation by the Landscape/Legal departments at the Council.

### **7.2 Impact on Character and Street Scene and Conservation Area**

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. The Design Guidelines at Appendix 2 of the Development Management Policies document state that generally the maximum depth of single storey rear extensions to detached dwellings should be 4m although this distance may be reduced if the extension would adversely affect adjoining properties or be unduly prominent. The size and volume of two storey rear extensions will be individually assessed according to the characteristics of the property. Front extensions should not appear unduly prominent or result in loss of light to neighbours and dormer windows should be subordinate to the main roof.

- 7.2.3 The site is located within the Moor Park Conservation Area and Policy DM3 of the Development Management Policies document sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.
- 7.2.4 The Moor Park Conservation Area Appraisal at Section 2.3 sets out that the special architectural and historic interest of the area derives from the houses built in 1920s/1930s set back in spacious surroundings, open frontages separating gardens, attractive roads in differing scales and many characteristic original features including chimneys. The Appraisal goes on to state that the existing development has a special visual quality created by large houses situated on individual plots along wide streets with high quality landscaping. The layout is characterised in some areas by open frontages, low walls or hedges separating gardens from the estate road verges, which was a feature of the original design. Existing trees also make a special contribution to the character of the area.
- 7.2.5 As the original house was built in the late 1930s it was a key and intrinsic part of the significance of the Moor Park Conservation Area. At the planning appeal in 2014 the Inspector stated that whilst the appearance of the house had somewhat diminished due to the two storey side extension, unsympathetic fenestration and doors, a large extent of the original fabric and arrangement of the house remains in place and scope exists to return the property close to its 1930s appearance. Due to the fact the dwelling was relatively unaltered and given its age, appearance and setting, it exhibited some of the key characteristics that contribute to the significance of the Conservation Area and thus made a positive contribution to the character, appearance and significance of the Conservation Area. Some of the key features included a chimney, moulded window surrounds and drip moulds to the front, ground floor windows, aged Rosemary tiled roof and a rear cat slide roof. The Conservation Officer has advised that these features which have been lost due to recent unauthorised works gave the dwelling a pared-back Arts and Crafts appearance, characteristic of the area.
- 7.2.6 Whilst the appeal decision was over 5 years ago the LPA is not aware that the house had been substantially changed prior to recent works. As a result, in order to be acceptable any works must either preserve or enhance the character and appearance of the house and wider Conservation Area.
- 7.2.7 To date, the works which have occurred on site have demonstrably eroded the character and appearance of the house to such an extent that it now appears characterless and more akin to a new modern dwelling with little care or attention to preserving its former 1930s appearance. The introduction of a new brightly coloured roof with little thought about introducing reclaimed tiles, the loss of window surround detailing, new boundary walls and the application of new smooth rendering to name a few has collectively diluted the appearance of the dwelling to such an extent that the works have failed to preserve or enhance the character and appearance of the house and wider Conservation Area.
- 7.2.8 However, this application seeks to re-instate some of the Arts and Crafts features of the pre-1958 dwelling and to bring it back predominately back in line with the 2015 planning permission.
- 7.2.9 To the northern side of the dwelling a new high close boarded fence has been erected, subdividing the site into two plots. The fencing is 1.8m in height and it is proposed to paint this dark brown. The height and proposed colouring of the northern boundary is not uncommon for the area, thus it would not detract from the character or appearance of the host site or wider area. It is also recognised from the evidence collected to date that the house was two plots (before the designation of the Conservation Area) and a 1m high fence was granted under Certificate of Lawfulness application, reference 14/1785/CLPD. It is noted that the curtilage of a house can change over time. However, it is recognised that the Moor Park Appraisal sets out that:

- A minimum of 20% of the site frontage must be kept clear of all development along the flank elevations, subject to a distance of not less than 1.5m being kept clear between flank walls and plot
- The extended dwelling should not cover more than 15% of the plot area

7.2.10 The application site as proposed has a plot width of approximately 26.5m (taken in line with the front elevation of the dwelling). The dwelling covers a width of 19.5m and thus there is a coverage of 73%. Whilst it is acknowledged that the dwelling is now set in from the northern boundary by only 1m, it is set significantly from the southern boundary to such an extent that it maintains the spacious character of the plot, in-keeping with the wider area.

7.2.11 Due to the reduction in the curtilage of the dwellinghouse the plot size has reduced to approximately 1974sqm whereas the extended dwelling including raised patio area covers an area of 330sqm. The building coverage therefore equates to 16.7%, which exceeds the recommended 15%. However, if only the extended building was taken into account (minus the raised patio) there would be a coverage of approximately 11%. On the basis that the guidance does not specifically state patio areas should be included, it is not considered that the slight increase over the 15% would be harmful. Further, the raised patio is relatively open in character and is not seen from public vantage points.

7.2.12 In respect of the frontage, the high and unsightly front boundary walls will be altered substantially, reducing their height to 1m and removing the returns. The amended boundary treatment would be complimented by new hedging immediately behind the walls, soft landscaping (including 5 new trees) and the extent of the driveway would be significantly reduced through the removal of the attempted carriage driveway and reduction in other areas of hard surfacing. Having regard to the extent of the driveway serving the house prior to the unauthorised works taking place the proposed driveway within the frontage is considered acceptable and would by virtue of the soft landscaping measures preserve the open character of the site. Whilst a water feature and other retaining walls are evident, these features will not be readily apparent from the streetscene and would be visually mitigated by the proposed planting. It is recognised that the frontage was heavily vegetated prior to the works; however, the changes proposed would ensure that the open character of the frontage is restored to such a level that is considered to preserve the character and appearance of the Conservation Area.

7.2.13 The physical bin store has been omitted from this proposed. Instead, it is proposed to have a bin area which would be set adjacent to the northern boundary line and given distance between the highway and the screening provided by the brick wall and proposed vegetation, it is unlikely that the bins would be readily visible from the wider street to cause harm.

7.2.14 The size, extent and positioning of the rear extensions was approved within application 15/1308/FUL and has been largely retained. The Officer commented that:

*“As a result of the corner plot location of the dwelling and spacing to neighbours on Astons Road, there would be potential views of the proposed rear extensions from Astons Road and Thornhill Road. The extension would be built across the majority of the full width of the dwelling although it would be set in 0.25m from the flanks. It would have a stepped form with a depth of up to 5.3m at ground floor level, although the majority of the extension would have a reduced depth of up to 2.25m. The 5.3m deep extension would exceed the 4m guideline depth for rear extensions to detached properties as set out in the Design Criteria at Appendix 2 of the Development Management Policies document. However, the application dwelling occupies a large plot and the depth proposed would not appear disproportionate to the host dwelling or application site or to the depth of other dwellings in the vicinity of the site. The reduced depth to the majority of the extensions would also assist in ensuring that the extensions would appear subordinate and would not result in the development blocking oblique views of trees and the garden backdrop”*

- 7.2.15 Although the site has been subdivided the rear extensions at 4.8m deep exceed the guidance within Appendix 2, the application site retains a large rear garden. Therefore, the extensions are not excessive in relation to the site. They are also located to the rear of the dwelling and not visible from Astons Road. It is noted that the land elevation reduces to the north and as a result the extended is visible at an oblique angle from Thornhill Road. Although visible from Thornhill Road, the proposed external finish of the extensions including the tile hanging and white rendering would break up the appearance of the extensions, reducing the visual apparent bulk of the extensions and bring the property back to its original external appearance. Further, the extended gable ridge height would be set down from the main ridge line by 0.3m which minimises the effect of massing. Additionally, the deepest rear extension, is located to the south, set in by 11.5m from the northern boundary. This additional separation distance from Thornhill Road further reduces the prominence of the dwelling when viewed from this perspective. Nevertheless, amended plans have re-instated a rear metal balustrade located on the southern side and removed the initially proposed glass balustrade. The proposed metal balustrade would be visible at distance from Thornhill Road and is in-keeping with the traditional appearance of the Conservation Area and is sympathetic to the Arts and Crafts style of the dwelling. Therefore, then viewed at an oblique angle of Thornhill Road, the dwelling would not appear overbearing, excessive or unduly prominent, nor out of character with the immediate locality of the Conservation Area. It should also be noted that the rooflights would not be evidently visible from Thornhill Road although very slight glimpses would be possible of the internal facing rooflight; however, given the distances involved its limited visibility would not cause any harm.
- 7.2.16 The Officer also commented during 15/1308/FUL:
- “The rear dormer would serve the first floor accommodation and would be placed well down from the main ridge with smaller windows than the main fenestration. It would therefore comply with the Conservation Area Appraisal guidance in relation to dormers and would appear as a subordinate addition to the host roofslope.”*
- 7.2.17 Although the rear dormer is proposed to be larger in the current application, the proposed extension of the roof slope surrounding this element and the reduction in the extension so it now appears as dormer feature would be acceptable, ensuring it is subordinate in appearance and set in from the adjacent gables. Again, given its positioning, the changes would be seen more positively from Thornhill Road.
- 7.2.18 Owing to the positioning of the front porch it is readily visible from Astons Road. However, the proposed front porch broadly reflects and relates to the porch located within the original dwelling. Further, the proposed enhances the original design by reducing the extent of glazing and introducing glazing bars within the fenestration. The front door would additionally be a traditional 1930s traditional timber door and such details will be secured by condition. The additional detailing is characteristic of the Arts and Crafts style of the Conservation Area and original dwelling. Therefore, the proposed porch would not be prominent or excessive in relation to the host dwelling or wider street.
- 7.2.19 To the front, flanks and rear (with the exception of the ground and first floor rear bi-fold doors) it is proposed that the windows will be double glazed grey aluminium window frames with glazing bars and the window cills which are dry cast stone, will be painted white. These windows are not the typical white sliding sash windows found within the Conservation Area and differ from the previous planning permission included the use of heritage style timber windows painted white to match the pre-existing existing dwelling. However, it is noted that Astons Road does have a mixture of fenestration designs which vary in colour, although do retain traditional detailing. The proposed windows would include glazing bars which add detailing within the windows, reflective of the character and appearance of the immediate locality of the dwelling and wider Conservation Area.

- 7.2.20 The exterior of the dwelling is proposed to be finished in a white render with plain clay tile hanging along the extended first floor flanks and rear gable ends and rear infill roof. It is considered that the external elevations of the original dwelling were a white coloured finish. The external finish of the proposed white rendered therefore seeks to replicate the original colour of the dwelling, preserving its appearance. Further, the tile hanging is reflective of the Art and Craft feature, commonly seen within the Conservation Area and permitted under the 2015 planning permission.
- 7.2.21 The proposal includes that the roof tiles are darkened using an accelerator to give the appearance that the tiles have been weathered. A test sample was provided "21 Astons Road Roof Tile Sample Pictures May 2020" as part of the application. The test samples indicate a gradient tile contrast showing the application of darker tiles. Subject to a condition to ensure the tiles are darkened, the test sample is considered acceptable and demonstrative of tiles which are in-keeping with the immediate surroundings. The darkened tiles also reduce the visual bulk and mass of the dwelling within the locality such that they would not appear out of character when compared with the streetscene or Conservation Area.
- 7.2.22 A replica of the original chimney will also be reinstated on the southern side of the host dwelling. The installation of a replica chimney seeks to reinstate a feature of the original dwelling and reflects the Arts and Crafts features of the wider Conservation Area.
- 7.2.23 With the amendments provided during the course of the application and in the absence of an objection from the Conservation Officer, it is considered that subject to conditions, the development would preserve the character and appearance of the original dwelling and the wider Moor Park Conservation Area, complying with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies document and the Moor Park Conservation Area Appraisal.
- 7.3 Impact on amenity of neighbours
- 7.3.1 Appendix 2 of the Development Management Policies LDD states that all development are expected to maintain acceptable standards of privacy for both new and existing residential buildings and that extension should not be excessively prominent
- 7.3.2 Due to the siting of the extensions there is no impact on neighbouring amenity through loss of light nor do the extensions appear excessively prominent to the neighbouring property to the south east, No.23 Astons Road.
- 7.3.3 In relation to overlooking, it was noted that Condition 6 of the planning permission 15/1308/FUL required the submission of details relating to a 1.8m high screen measured from the surface of the terrace. The screen was required to be erected to the south flank of the terrace and was considered necessary to avoid any overlooking concerns to No.23.
- 7.3.4 The proposal includes the introduction of a metal balustrade around the southern rear terrace. The balustrade is proposed to be 0.9m in height from the top of the terrace. Although the adjacent boundary treatment provides sufficient screening, this cannot be relied upon to prevent overlooking. Therefore, subject to a condition to secure the retention of the balustrade, this is considered sufficient to prevent unacceptable overlooking.
- 7.3.5 There are windows located within the first floor flank elevations. Subject to a condition to ensure these windows are obscurely glazed and top level opening only at 1.7m above the floor level of the room, they are considered acceptable to prevent unacceptable levels of overlooking.
- 7.3.6 The additional glazing at ground level rear elevation would have an outlook of the private rear amenity space at the site and as such, the views available would not be significantly

different to those already available from the existing fenestration. Therefore, the proposed rear fenestration is considered to be acceptable in this regard.

7.3.7 The proposed development is not considered to result in any adverse impact upon neighbouring properties and is acceptable in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

#### 7.4 Amenity Space Provision for future occupants

7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

7.4.2 The proposal would result in a 6 bedroom dwelling. The application site benefits from a private amenity space measuring approximately 912sqm. Given that the indicative level for a 6 bedroom dwelling is 147sqm, the rear private amenity space is considered sufficient in size to adequately serve current and future occupiers of the dwelling following the proposed development.

#### 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 was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

#### 7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD states that development proposals should seek to retain trees and other important landscape and nature conservation features whilst including new trees and other planting to enhance the landscape of the site and its surroundings as appropriate. It also states 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 and that development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage.

7.6.2 By virtue of the location of the application site, situated within the Moor Park Conservation Area, all trees are afforded protection under the Conservation Area's status. In addition, three trees within the rear garden are individually protected, noted as T23 (Common Oak), T34 (Common Oak) & T25 (Beech).

7.6.3 During works at the property it was evident that extensive amounts of spoil was imported and placed within the rear garden, within the root protection areas of the abovementioned trees. The additional weight from the extent of spoil in close proximity to the trunk of the trees is likely to have impacted on their roots. In addition, an extensive rear patio and steps have been constructed the root protection area of the same abovementioned trees.

7.6.4 The proposal includes aeration pipes to mitigate the effect of the raised patio which is raised above any tree roots. The landscaping plan also proposes to remove the additional spoil from around the protected trees located to the rear of the site. In particular T25 shown on the Tree Methodology submitted TH/A3/2032D. During the course of the application a Tree Methodology was provided outlining the removal of the spoil. The Landscape Officer raised no objections to the retention of the raised patio or the removal of the soil.

7.6.5 It is further proposed to introduce 5 new trees within the site frontage alongside other vegetation outlined within the landscaping plan for which no objections were raised. To ensure that there is an instant impact from the trees, all five trees should be relatively mature. Details will be secured by condition to ensure the appropriate species and initial height of the trees is acceptable.

## 7.7 Highways, Access and Parking

7.7.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.

7.7.2 The proposal includes the removal of the second entrance/exit and carriage driveway with an increase of soft-landscaping within the frontage. The extended dwelling is shown to accommodate 6 bedrooms. As a result, having regard to the parking standards as set out within Appendix 5 of the Development Management Policies LDD it states that for a 4 or more bedroom dwelling 3 spaces are required. Therefore, the proposed driveway is sufficient for the dwelling and proposed development thus compliant with the above criteria.

## 7.8 Refuse/Recycling

7.8.1 Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013) advises that the Council will ensure that there is adequate provision for the storage and recycling of waste and that these facilities are fully integrated into design proposals. New developments will only be supported where:

iii) The siting or design of waste/recycling areas would not result in any adverse impact to residential or work place amenity

ii) Waste/recycling areas can be easily accessed (and moved) by occupiers and by local authority/private waste providers

iii) There would be no obstruction of pedestrian, cyclists or driver sight lines

7.8.2 Amended plans propose the removal of an enclosed bin store and retain a household bin area adjacent to the northern boundary line, set back from the front boundary line by 3.6m. The distance between the front boundary and the bin store will also be screened by the front retaining brick wall and vegetation immediately behind. Given the removal of the enclosed area, the separation distance from the front boundary and the vegetation, it is considered that the view of the bins would be screened from the wider street and not readily visible in this regard. When viewed from the north, the bins would be screened by the close board northern boundary treatment. When viewed from the south, the view of the bins would be obscured and at an oblique angle given the separation from the street.

7.8.3 The bin area would therefore be acceptable in regard to Policy DM10 (Waste Management) of the Development Management Policies LDD (adopted July 2013).

## 7.9 Summary

7.9.1 It is recognised that significant deviations from the 2015 planning permission have taken place along with other unacceptable works as a result of the applicant not seeking prior advice. That said, it is considered that this application which seeks to remove, restore and enhance various aspects of the dwelling and wider plot to ensure that collectively the development would preserve the character and appearance of the dwelling and the wider Conservation Area. The removal of trees to the front and the potential damage is subject to an on-going investigation by the Landscape/Legal departments; however, it is important to ensure that what is put back on site is acceptable.

## 8 **Recommendation**

8.1 That PART RETROSPECTIVE PLANNING PERMISISON BE GRANTED and has effect from the date on which the development is carried out and is subject to the following conditions:

C1 Within TEN MONTHS from the date of the permission, the works hereby permitted shall be carried out in accordance with the following approved plans:

Pre-Existing: 020; 021; 022.

Existing: 003 REV A; 004 REV A; 005 REV A; 006 REV A; 007 REV A; 008 REVA  
017 REV A.

Proposed: 001; 008 REV B; 009 REV A; 010 REV B; 011 REV B; 012 REV B; 019  
REV B.

Landscaping: 016 REV A (Amended 17 August 2020); TH/A3/2032D (Tree  
methodology).

Materials: 016 REV A (Schedule of Works Amended 17 August 2020); Roof Tile  
Sample (May 2020).

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

C2 No further development shall take place whatsoever until there has been submitted  
to and approved in writing by the Local Planning Authority a scheme of soft  
landscaping.

The soft landscaping scheme shall include details regarding the type of trees  
proposed and their initial planting height across the site as shown on drawing number  
016 Rev A.

All soft landscaping works required by the approved scheme shall be carried out  
before the end of the first planting and seeding season following first occupation of  
any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are  
removed, die, become severely damaged or diseased within five years of the

completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the Local Planning Authority to assess in full the replacement landscaping requirement before any works take place in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM3 and DM6 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C3 No development shall take place whatsoever until design details of the front door have been submitted to and approved in writing by the Local Planning Authority and no front door shall be inserted other than that approved and in accordance with the timing as set out within Condition 1.

Reason: To ensure that the development preserves the character and appearance of the Moor Park Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C4 In accordance with the timing as set out within Condition 1, the rear landscaping works, including the removal of spoil around T25, shall be carried out in accordance with the Tree Methodology TH/A3/2032D (Tree methodology).

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the Local Planning Authority to assess in full the replacement landscaping requirement before any works take place in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM3 and DM6 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C5 In accordance with the timing as set out within Condition 1, the external elevations of the dwelling (including extensions) shall be painted in a white finish as set out within the Schedule of Works 016 Rev A.

Reason: To ensure that the development preserves the character and appearance of the Moor Park Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C6 In accordance with the timing as set out within Condition 1, plain clay tile hanging shall be fitted to the extended dwelling in accordance with drawing numbers (010 REV

B; 011 REV B; 012 REV B) and the Schedule of Works Rev 016 Rev A and the roof tiles on the roof of the dwelling (including extended roof) shall be altered in accordance with the said Schedule of Works and as per the "Roof Tile Sample pictures dated May 2020".

Reason: To ensure that the development preserves the character and appearance of the Moor Park Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C7 In accordance with the timing as set out within Condition 1, the windows including cills to the front elevation of the extended dwelling hereby permitted, shall be installed/altered in accordance with the Schedule of Works 016 Rev A.

Reason: To ensure that the development preserves the character and appearance of the Moor Park Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C8 In accordance with the timing as set out within Condition 1, the first floor central rear extension and rear roofslope shall be physically altered to accord with the dormer and roofslope hereby permitted, as shown on drawing number 011 Rev B.

Reason: To ensure that the development preserves the character and appearance of the Moor Park Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C9 In accordance with the timing as set out within Condition 1, the close boarded fencing along the northern boundary hereby permitted, shall be painted dark brown as set out within the Schedule of Works 016 Rev A.

Reason: To ensure that the development preserves the character and appearance of the Moor Park Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C10 In accordance with the timing as set out within Condition 1, the chimney hereby permitted within the southern roofslope of the two storey rear extension shall be erected and undertaken in accordance with drawing number 010 Rev B and the Schedule of Works 016 Rev A.

Reason: To ensure that the development preserves the character and appearance of the Moor Park Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C11 In accordance with the timing as set out within Condition 1, the front driveway shall be physically altered to accord with drawing number 019 Rev B and the Schedule of Works 016 Rev A and shall be permanently retained as such thereafter.

Reason: To ensure that the development preserves the character and appearance of the Moor Park Conservation Area in accordance with Policies CP1 and CP12 of the

Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C12 In accordance with the timing as set out within Condition 1, the glass balustrade shall be replaced with a metal balustrade with a height of 0.9m as measured from the surface of the terrace and this shall be erected along the south flank, rear and north flank of the first floor rear terrace. The balustrade once erected shall be permanently maintained as such thereafter.

Reason: To ensure that the development preserves the character and appearance of the Moor Park Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C13 Prior to the first use of the first floor rear terrace hereby permitted, details of screening to a height of 1.8m as measured from the surface of the terrace to be erected to the south flank of the first floor rear terrace shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to the first use of the terrace in accordance with the approved details, and maintained as such thereafter.

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

- C14 In accordance with the timing as set out within Condition 1, the amended front boundary treatments hereby permitted, shall be physically altered/removed to accord with drawing 016 Rev A and be permanently retained thereafter.

Reason: To ensure that the development preserves the character and appearance of the Moor Park Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C15 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 F - any hard surface

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and the character and appearance of the Moor

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

- C16 Before the first occupation of the extension hereby permitted the first floor window(s) in the south flank elevation of the extensions hereby approved, shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the rooms in which the windows are installed. The windows shall be permanently retained in that condition thereafter.

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

## 8.2 **Informatives:**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

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 and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.