

PLANNING COMMITTEE – 10 SEPTEMBER 2020

PART I - DELEGATED

11. **20/1537/FUL – Variation of Condition 2 (Approved Plans), 3 (Materials), 6 (Energy Saving Measures) and 7 (Parking) of planning permission 19/1166/FUL: (Demolition of existing dwelling and construction of detached two storey dwelling with raised access to front, raised decking area to rear and alterations to frontage) to allow increase in height of dwelling, alterations to fenestration, changes to external materials and boundary treatment and changes to energy saving measures at 86 HIGHFIELD WAY, RICKMANSWORTH, WD3 7PH.**

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 29.09.2020

Ward: Rickmansworth Town
Case Officer: Freya Clewley

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in to Planning Committee by Chorleywood Parish Council

1 Relevant Planning History

- 1.1 19/1166/FUL – Demolition of existing dwelling and construction of detached two storey dwelling with raised access to front, raised decking area to rear and alterations to frontage – Permitted 02.09.2019.

2 Description of Application Site

- 2.1 The application site is rectangular in shape and includes a detached dwelling on the north eastern side of Highfield Way, Rickmansworth, close to the junction with Beacon Way. Highfield Way is characterised by detached dwellings which vary in size and architectural design. The application dwelling is finished in cream smooth render and mixed buff brick and has a hipped tiled roof with a flat roofed dormer window within the front roofslope. There is an existing single storey detached garage to the rear of the dwelling.
- 2.2 The land levels of the site drop significantly from south west to north east such that the host dwelling is set back 10.6m from the road and located on lower ground. There is an existing carriage driveway to the frontage with space for three vehicles and an area of soft landscaping located centrally to the frontage. To the rear of the dwelling is an amenity garden comprising a patio adjacent to the rear of the application dwelling and an area of lawn of approximately 850sqm. Close boarded fencing, vegetation and hedging enclose the rear amenity space provision.
- 2.3 The neighbour to the north west, No.88 Highfield Way, is constructed on the same land level as the host dwelling, with a single storey front projection extending forward of the existing front elevation of the host dwelling and the first floor element set back from the host dwelling. This neighbour is contemporary in terms of architectural design and extends approximately in line with the existing rear elevation of the host dwelling at first floor level. The neighbour to the south east, No.84 Highfield Way, is constructed on the same land level and building line as the host dwelling. This neighbour has an existing single storey rear conservatory which extends approximately in line with the existing rear elevation of the host dwelling.

3 Description of Proposed Development

- 3.1 This application seeks to vary Conditions 2 (Approved Plans), 3 (Materials), 6 (Energy Saving Measures) and 7 (Parking) of planning permission 19/1166/FUL to include increase

in height of dwelling, alterations to fenestration, changes to external materials and boundary treatment and changes to energy saving measures.

3.2 Condition 2 of 19/1166/FUL states;

The development hereby permitted shall be carried out in accordance with the following approved plans: 1967_000 REV D, 1967_010 REV D, 1967_100 REV D, 1967_120 REV D, 1967_140 REV D, 1967_200 REV D, 1967_201 REV D, 1967_300 REV D, 1967_301 REV D, 1967_302 REV D, 1967_303 REV A, 1967_400 REV D, 1967_401 REV D, 1967_402 REV D and 1967_500 REV C.

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, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

3.3 Condition 3 of 19/1166/FUL states;

Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials including black stained larch cladding, aluminium brie soleil and knapped flint cladding 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).

3.4 Condition 6 of 19/1166/FUL states;

The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement prepared by Innervision Design Ltd dated July 2019, submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 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.

3.5 Condition 7 of 19/1166/FUL states;

The development shall not be occupied until the parking spaces as indicated on drawing numbers 1967_200 Rev D and 1967_201 Rev D has been constructed in accordance with the approved plans. The parking shall be retained thereafter.

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

3.6 Permission 19/1166/FUL was given for the 'demolition of existing dwelling and construction of a detached two storey dwelling with raised access to front, raised decking area to rear and alterations to frontage', with the development described in the Officer Report as:

This application seeks planning permission for the demolition of the existing dwelling and the construction of a detached two storey dwelling with a raised access to the front, raised decking area to the rear and alterations to the frontage. The proposed replacement dwelling would contain five bedrooms (one additional bedroom).

The proposed replacement dwelling would have a maximum height of 5.7m (measured from the front), thus it would be approximately 0.6m higher than the existing dwelling (measured from the front), with a flat roof form. The replacement dwelling would be of a contemporary design with the entrance door at first floor level, level with the highway and a single storey rear projection with a depth of 2.9m and a flat roof form with a height of 3.1m. The single storey rear projection would be set in 0.3m from the north western flank and 0.8m from the south eastern flank of the dwelling. The dwelling would have a maximum width of 13.7m and a maximum depth of 13m at ground floor level, and a maximum depth of 10.4m, including a 2.1m deep front projection, and a maximum width of 13.7m at first floor level. The dwelling would be set in 1.2m from the north western flank boundary and 1.9m from the south eastern flank boundary.

The replacement dwelling would be finished in knapped flint finish to the ground floor elevations and the first floor elevations would be finished in dark stained larch cladding. The ground floor roofs are proposed to be green roofs and the first floor roof would be single ply membrane. The proposed windows would be timber with sentry box fixed timer frameless windows proposed within the front elevation.

The proposal would include works to the application site frontage to include alterations to land levels such that the application site frontage would be at the same level to the adjacent highway. The land levels would be increased a maximum of 1m in height abutting the front elevation of the dwelling. Hardstanding would be retained with space for at least two vehicles and the existing vehicular crossovers would be retained. The remainder of the application site frontage would be landscaped.

To the rear, a large area of decking would abut the rear elevation of the dwelling with a depth of 4.4m and a height of 1.8m at its deepest point. The proposal would include fencing along the flank boundaries of the site with a height of 1.6m.

Amended plans were received during the course of the application to provide onsite parking to the application site frontage and reduce the height of the fencing to the rear.

- 3.7 Alterations are now proposed to the approved development. The current proposal seeks to increase the highest point of the roof of the proposed replacement dwelling by 0.6m, to 6.3m. In addition, to the front elevation, first floor fenestration would be located at a higher level, and the window within the north western flank would be located minimally higher. To the rear, the three-casement and single-casement window would be replaced with a four-casement window and the bi-folding doors slightly reduced in width and increased in height. The two rooflights within the roof of the dwelling would be located in similar positions.
- 3.8 The proposed alterations include alterations to the external materials. The previously approved application included the use of aluminium brise soleil, and the current application seeks to replace this with timber brise soleil. Timber brise soleil is a type of solar shading system that uses a series of horizontal or vertical blades to control the amount of sunlight and solar heat that enters a building. It projects above glazing to prevent glare and reduce overheating. Brise soleil systems can be made up of blades or take the form of solid shelves and are constructed from a range of materials. In addition, the reference to larch for the purposes of the proposed timber cladding has been removed. The proposed boundary treatment has been altered from close boarded fencing, chain link fencing and conifer hedging to brick piers with 1.8m high screening.
- 3.9 The proposed alterations to the frontage would include extending the hardstanding to the frontage for parking, and including a pedestrian access to the south west. The proposal seeks to vary Condition 6 (Energy Saving Measures), however a revised Energy Statement has not been submitted.

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, 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**

Due to the on-going Coronavirus pandemic and the current social distancing measures in place no site visit was undertaken by the Case Officer for the purposes of the current application. However, the Officer had previously visited the site under the previous application. It is considered that the information received and use of other technological platforms has enabled the LPA to assess the application.

7.1 Principle of Demolition

7.1.1 Within the previous Officers Report for application reference 19/1166/FUL, the principle of demolition was considered and the report stated; *'the application site does not lie within a Conservation Area and the building is not a Listed or Locally Important Building. As such, there are no overriding policy requirements to retain the existing dwelling'*.

7.1.2 There have been no alterations to the overriding policy documents to retain the existing dwelling, thus the principle of demolition is still considered to be acceptable.

7.2 Impact on Character and Street Scene

7.2.1 Consent has previously been given under application reference 19/1166/FUL for the 'demolition of existing dwelling and construction of a detached two storey dwelling with raised access to front, raised decking area to rear and alterations to frontage', of which the impact on the character and streetscene was assessed as set out below:

Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that 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. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) advises that development should not appear excessively prominent within the streetscene. Appendix 2 sets out that '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 dwelling and streetscene'.

Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy 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'. 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 an area. To avoid a terracing effect and maintain an appropriate spacing between properties in character with the locality, development at first floor level should be set in from flank boundaries by a minimum of 1.2 metres. This distance may be increased in low density areas or where the development would have an adverse impact on an adjoining property. In relation to roofs, the Design Criteria set out that crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing and as such they are generally discouraged and more traditional pitched roofs are generally favoured.

Appendix 2 of the Development Management Policies document also states that front extensions should not result in loss of light to windows of neighbouring properties nor be excessively prominent in the streetscene and that increases in ridge height will be assessed on their own merits at the time of a planning application and that where roof forms are of a uniform height, style or appearance, it is unlikely that an increase in height will be supported.

It is proposed to increase the height of the replacement dwelling compared to the existing dwelling on site. The maximum ridge would be increased by 0.6m in height over the existing dwelling from 5.1m to 5.7m. The indicative streetscene shows that the ridge height would still be below that of the neighbours at No.84 Highfield Way and No.88 Highfield Way. Given the alterations in land levels and the existing variation in terms of ridge heights and roof forms within the streetscene, it is considered that the height of the dwelling would not appear excessively prominent, and the eaves height would not appear significantly different to neighbouring dwellings in the locality.

The proposed replacement dwelling would be detached which would be in keeping with the character of the area. Whilst the design of the dwelling would be contemporary with flat roof forms and the use of modern materials, the proposed dwelling would be located in a similar position as the existing dwelling, and the ground floor footprint would not be dissimilar to that of other dwellings within the vicinity. It is noted that the proposal would result in the creation of a true first floor, however the width and depth of the main two storey element of the dwelling proposed would not be out of keeping with the scale of other development on Highfield Way and would not appear out of character. The dwelling would be set in 1.2m from the north western flank boundary and 1.9m from the south eastern flank boundary which would comply with Appendix 2 of the Development Management Policies document.

The proposed replacement dwelling would be set back from the front site boundary by approximately 9.4m and would be positioned in a similar location to the existing dwelling within the site. The spacing between the proposed dwelling and the highway reflects the distance maintained by other neighbouring dwellings of a similar scale, thus the replacement dwelling would not appear excessively prominent within the streetscene of Highfield Way.

The replacement dwelling would have a flat roof form which Appendix 2 of the Development Management Policies document generally discourages, however, the flat roof would be incorporated into the contemporary design of the replacement dwelling and it is noted that roof forms vary with the vicinity as well as the architectural design of dwellings, and given the land levels, it is not considered that its inclusion would result in demonstrable harm to the character or appearance of the host dwelling or street scene of Highfield Way.

The proposed front access to the replacement dwelling would be at first floor level, however, due to the land levels, the access would appear to be at ground floor level when viewed

from the streetscene. Furthermore, alterations to the site frontage are proposed to increase the land level such that the parking areas and site frontage would be at the same land level as the highway. Whilst the proposed alterations to the frontage and access to the dwelling would be readily visible from the streetscene of Highfield Way, given the existing variation and that the replacement dwelling would still be set at a lower land level than the highway, it is not considered that the proposal would result in demonstrable harm to the character or appearance of the host dwelling or street scene. It is noted that the proposal would include an extension to the hardstanding to the frontage. Whilst the extension to the hardstanding would result in a loss of soft landscaping, some soft landscaping to the frontage would be retained and planting is proposed around the hardstanding. It is acknowledged that driveways and hardstanding to frontages within the vicinity vary in terms of width, depth and area, and therefore it is not considered that these alterations would result in demonstrable harm to the character or appearance of the host dwelling, streetscene or wider area.

Appendix 2 of the Development Management Policies document sets out that single storey rear extensions to detached properties should not exceed a depth of 4m. The proposed single storey rear projection would have a depth of 2.9m, thus this element would comply with the guidance set out within Appendix 2 of the Development Management Policies document in this regard. In addition, given the height, roof form and location of the single storey projection to the rear, it is not considered that this element would result in any harm to the character or appearance of the streetscene or area.

Whilst the proposed replacement dwelling would be larger in scale with a true first floor, given the variation in the street scene and that the proposed replacement dwelling would not be out of keeping with other dwellings within the vicinity with regards to size and scale, the proposed replacement dwelling would not result in demonstrable harm to the character or appearance of the area and would not appear unduly prominent in the street scene of Highfield Way. The development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

- 7.2.2 The current proposed development is of a similar architectural style and design to the previously permitted application reference 19/1166/FUL with some amendments to the scheme. These amendments include an increase in the maximum height of the dwelling by 0.5m, to 6.3m, minor alterations to the height and widths of fenestration, alterations to the boundary treatment to increase the height from 1.6m to 1.8m, alterations to the external materials from aluminium brise soleil to timber brise soleil, increase the extent of hardstanding to the application site frontage and an amendment to the wording of Condition 6 (Energy Saving Measures) to no longer make reference to the previously submitted report.
- 7.2.3 The nature and scale of the proposed amendments would not alter the previously approved footprint of the dwelling although the maximum ridge of the dwelling would be increased by approximately 0.6m. Notwithstanding this, the proposed height of the replacement dwelling would still be less than the maximum ridge heights of the immediate neighbouring properties, and given the spacing between the replacement dwelling and neighbouring properties, and the existing variation in terms of ridge heights within the streetscene of Highfield Way, it is not considered that the proposed alterations to the scheme would cause demonstrable harm to the character of the street scene of Highfield Way or the area. Whilst it is acknowledged that the hardstanding would extend across the site, given that some soft landscaping within the application site frontage would be retained, and the existing variation within the streetscene of Highfield Way, it is not considered that the proposed alterations to the frontage would result in harm to the character or appearance of the streetscene or area. The proposed alterations to the boundary treatment would not be visible from the streetscene, and the proposed alterations to external materials would not appear an unduly prominent feature.

7.2.4 In summary, the principle of the demolition of the pre-existing dwelling and the construction of a replacement dwelling was approved under application reference 19/1166/FUL. The proposed amendments would not significantly alter the bulk and massing of the previously approved dwelling and given the existing variation within the streetscene, the proposed materials are not considered to be inappropriate in this instance. Therefore, it is considered that the proposed development would respect the character and appearance of the streetscene and would therefore accord with Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013) in this regard.

7.3 Impact on Amenity of Neighbours

7.3.1 Consent has previously been given under application reference 19/1166/FUL for the 'demolition of existing dwelling and construction of a detached two storey dwelling with raised access to front, raised decking area to rear and alterations to frontage', of which the impact on neighbouring amenity was assessed as set out below:

Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. Two storey developments to the rear of dwellings should not intrude a 45 degree splay line drawn across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property, although this principle is dependent on the spacing and relative positions of dwellings.

The neighbour to the northwest, No.88 Highfield Way, is set in approximately 1.8m from the shared boundary with the application site to the front, increasing to 2.6m to the rear. The proposed replacement dwelling would not extend beyond the existing rear elevation of this neighbour, and the dwelling would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the rear elevation of this neighbour. Therefore, given the relationship between this neighbour and the proposed replacement dwelling, it is not considered that the replacement dwelling would appear overbearing or result in loss of light to this neighbour.

The neighbour to the south east, No.84 Highfield Way, is set in approximately 1.6m from the shared boundary with the application site. This neighbour has an existing single storey rear projection and the proposed replacement dwelling would not extend beyond the rear elevation of this neighbour, nor would it intrude a 45 degree splay line when taken from a point on the shared boundary level with the rear elevation of this neighbour. Therefore, given the spacing, depth and existing site circumstances, it is not considered that the replacement dwelling would appear overbearing or result in loss of light to this neighbour.

The proposed replacement dwelling would include the construction of a raised decking area to the rear of the dwelling. The decking would have a depth of 4.4m, a width of 7.7m and a height of 1.8m at its deepest point. The decking would be set in 1.2m from the north western flank boundary and a minimum of 6.7m from the south eastern flank boundary. The proposal would include 1.6m high fencing along the shared north western flank boundary, however due to the height and depth of the proposed decking, it is considered reasonable to attach a condition to any planning permission to require the submission of screening details to be erected along the north western flank of the decking prior to the occupation of the development in order to prevent unacceptable overlooking from occurring in respect of the neighbour to the north west. Given the distance between the decking area and the neighbour to the south east, and that there is an existing outbuilding constructed up to the shared boundary with this neighbour, it is not considered that the proposed decking would result in unacceptable overlooking to the neighbour to the south east.

Glazing is proposed at ground floor level within the front, flank and rear elevations and these windows would serve a mixture of habitable and non-habitable rooms. The proposed fenestration within the front elevation would have an outlook of the application site frontage, and the glazing to the rear would have an outlook of the rear amenity space of the application site. Given the existing boundary treatment to the south east and the proposed boundary treatment to the south west, the proposed ground floor flank glazing would not result in unacceptable overlooking to either neighbour. No glazing is proposed at first floor level in the flank elevations. Two rooflights are proposed within the flat roof form of the replacement dwelling, and given the siting of these rooflights, it is not considered that the rooflights would result in unacceptable overlooking.

The proposal would include alterations to the application site frontage such that the frontage would be built up to the same land level as the highway. A 1.5m high retaining wall would facilitate the parking areas and site frontage, however given the spacing between the dwelling and neighbouring properties to the north west and south east, it is not considered that the alterations to the frontage would result in harm to neighbouring amenity.

In summary, subject to conditions, it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity and as such complies with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD in this respect.

7.3.2 The current application seeks to alter the external materials from aluminium cladding to timber cladding. Given the nature of these alterations, it is not considered that the proposed changes to materials would result in any additional harm to neighbouring amenity.

7.3.3 In terms of the increase in height by an additional 0.6m, whilst the maximum height of the dwelling would be increased, given the spacing maintained between the dwelling and neighbouring properties, and that the dwelling would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the rear elevation of either neighbouring property, it is not considered that the proposed increase in height would result in any additional harm to neighbouring amenity. The proposed alterations to the boundary treatment would not appear overbearing or result in loss of light to neighbouring amenity.

7.3.4 The proposed alterations to the frontage to increase the level of hardstanding would not result in any additional harm to neighbouring amenity. The proposed alterations to the fenestration would not increase the amount of fenestration within the building, and the alterations to the width, height and location of the fenestration would be small in scale. Thus it is not considered that the proposed alterations to fenestration would result in any additional harm to neighbouring amenity.

7.3.5 In summary subject to conditions, it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity and as such complies with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD in this respect.

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 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 and states that a five bedroom dwelling should provide 126sqm of private, usable amenity space.

7.4.2 The proposed development would result in a five bedroom dwelling. Appendix 2 of the Development Management Policies document outlines that a five bedroom dwelling should retain 126sqm of amenity space. The application dwelling would retain over 891sqm of amenity space and as such would comply with Appendix 2 in this regard.

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 and Herts Ecology were consulted on the previously approved application and confirmed that there is not a sufficient likelihood of bats being present and affected to require a formal survey prior to determination. Notwithstanding this, an informative would be attached to any planning permission to advise the applicant of what action they should take should bats be discovered during the permitted works.

7.6 Trees and Landscaping

- 7.6.1 Policy DM6 of the Development Management Policies document 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 The application site is not located within a Conservation Area and no trees on or adjacent to the site are protected by a Tree Preservation Order. No trees of public amenity value would be harmed or removed by virtue of the proposal and the development is considered acceptable in this regard.

7.7 Highways, Access and Parking

- 7.7.1 Policy DM13 of the Development Management Policies document requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies document.
- 7.7.2 The proposed development would result in a five bedroom dwelling. Appendix 5 of the Development Management Policies document sets out that a dwelling with 4 or more bedrooms should provide 3 onsite parking spaces. The proposal would include alterations to the frontage to accommodate three parking spaces and therefore the proposal would comply in this regard. Notwithstanding this, it is considered reasonable to attach a condition to any planning permission to ensure that the proposed parking arrangement is implemented prior to the occupation of the replacement dwelling proposed in the interests of highway safety and to ensure that adequate onsite parking would remain following the implementation of the proposed development.

7.8 Sustainability

- 7.8.1 Consent has previously been given under application reference 19/1166/FUL for the 'demolition of existing dwelling and construction of a detached two storey dwelling with raised access to front, raised decking area to rear and alterations to frontage', of which sustainability was assessed as set out below:

Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.

The application is accompanied by an energy statement prepared by Innervision Design Ltd dated July 2019 which identifies that the proposal would achieve a 15.1% CO2 saving over Building Regulations 2013 through energy efficiency measures. A condition would be attached to any planning permission to require that works are carried out in accordance with this statement.

- 7.8.2 The current application seeks to vary this condition such that it would not make reference to the previously approved energy statement prepared by Innervision Design Ltd. Whilst it is stated within the supporting documents that the development would accord with Building Regulations, this does not confirm that the proposal would accord with Policy DM4 of the Development Management Policies document. Therefore, it is considered reasonable to vary this condition to require an energy statement to be submitted to and approved by the LPA prior to the commencement of works above ground level.

8 Recommendation

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

C1 The development hereby permitted shall be begun before 2 September 2022.

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: 1967_000 Rev D, 1967_010 Rev D, 1967_100 Rev D, 1967_120 Rev D, 1967_121 Rev D, 1967_140 Rev D, P100 Rev C, P101 Rev A, P200 Rev A, P201 Rev C, P300 Rev A and P301 Rev C.

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, DM4, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials including timber cladding, timber brie soleil and knapped flint cladding 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).

C4 Before any building operations above ground level hereby permitted as commenced, an Energy Statement demonstrating energy saving measures for the development to achieve a 5% saving in CO2 over 2013 Building Regulations Part L have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and permanently maintained thereafter.

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

C5 Prior to occupation of the development hereby permitted, details of screening to a height of 1.8m as measured from the surface of the raised decking be erected to the north western flank of the raised decking shall be submitted to and approved in writing

by the Local Planning Authority. The screening shall be erected prior to occupation in accordance with the approved details, and maintained as such thereafter.

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

- C6 The development shall not be occupied until the parking spaces as indicated on drawing number P100 Rev C has been constructed in accordance with the approved plans. The parking shall be retained thereafter.

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension/development hereby approved.

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

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. 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 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).

- 14 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.