

## PLANNING COMMITTEE – 17 DECEMBER 2020

### PART I - DELEGATED

**7. 20/2130/FUL - Demolition of the existing dwelling and erection of a replacement dwelling with associated hard and soft landscaping, and erection of new entrance gate and boundary wall at THE FOUR WINDS, LONDON ROAD, RICKMANSWORTH, WD3 1JT (DCES)**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 09.12.2020

Ward: Moor Park and Eastbury  
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Refused

Reason for consideration by the Committee: Called in by 3 Members of the Planning Committee, regardless of Officer's recommendations, in relation to the impact of the development on the Green Belt.

#### **1 Relevant Planning History**

- 1.1 20/1328/PREAPP - Demolition of existing detached dwelling and construction of replacement detached dwelling and construction of a front boundary wall and detached outbuilding – Closed
- 1.2 W/100/63 - Part single, part two storey extensions – Permitted
- 1.3 W/2292/62 - Part single, part two storey extensions – Permitted
- 1.4 W/528/55 - Two storey side extension- Permitted

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

- 2.1 The application site is located on the north eastern side of London Road, Rickmansworth and has splayed site boundaries such that the width of the site increases towards the rear.
- 2.2 The application dwelling is a two storey detached dwelling and has existing catslide roof features and tile hanging to the first floor. The dwelling is positioned to the north-western side of its plot. The site is surrounded by vegetation, some of which appears to be quite overgrown. There is an existing vehicular access to the northern side of the frontage which serves a car parking area. Some of the overgrown vegetation has been cleared to the front with two derelict outbuildings located at the front. A front boundary wall has also been partially constructed.
- 2.3 The neighbour to the north west 'Vermont' is a two storey detached dwelling built of a mock Georgian architectural style.
- 2.4 The neighbour to the south east 'Winchmorton' is a two storey detached dwelling built to the south east of its plot, with single storey projections to its north-western side.
- 2.5 The site is located within the Metropolitan Green Belt.

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

- 3.1 This application seeks planning permission for the demolition of the existing dwelling and erection of a replacement dwelling with associated hard and soft landscaping, and erection of new entrance gate and boundary wall.
- 3.2 The proposed main section of the new dwelling would have a depth of 13.7m and a width of 25m. There would be a two storey front projection which would project 1.5m forward

of the main elevation with a width of 6.5m with an additional open sided projection which would have a further depth of 1.5m. The main dwelling would have a maximum height of 9.6m with a set down flat roofed element to the side which would be set down 0.9m. The dwelling would have a crown roof. The two storey front projection would have a flat roof with a height of 6.6m.

- 3.3 A single storey side projection is also proposed which would be used as a garage. This element would have a depth of 6.3m and a width of 4.3m. This element would have a flat roof which would be hipped to the side with a maximum height of 3.9m.
- 3.4 The proposed dwelling would be built of a mock Georgian style with cream render to the first floor side and rear elevations and grey stone cladding to the ground floor. Solar panels are proposed to the rear roofslope.
- 3.5 The main two storey flank of the proposed dwelling would be set in minimum 6.6m from the north western boundary and a minimum of 23m from the south eastern boundary.
- 3.6 An outbuilding is proposed adjacent to the boundary with Vermont. This would have an 'L' shaped footprint with a maximum depth of 9.7m and a width of 5.4m. The proposed outbuilding would have a crown roof with a maximum height of 3.6m.
- 3.7 A front boundary wall and gates are proposed which would have a maximum height of 2m comprising of a 1m high brick wall with 1m high railings above in sections 4m wide with brick piers between the sections. The proposed gates would be timber and metal with a width of 4.8m with a curved top and height of 2.2m. The wall would extend the width of the application site frontage. Additional hardstanding is also proposed to the site frontage to the left of the frontage with the remainder retained as soft landscaping.
- 3.8 A landscaping plan has been submitted which also indicates a pergola adjacent to the boundary with Winchmorton, however no further details of this have been submitted and therefore this does not form part of the development subject to this assessment.

## **4 Consultation**

### **4.1 Statutory Consultation**

4.1.1 Batchworth Community Council: [No objection]

4.1.2 Hertfordshire County Council – Highway Authority: [No objection - condition requested]

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

- 1) No part of the proposed structure (to include fascia board / rainwater goods and guttering) shall overhang or encroach upon land to which highway rights apply and no gate if installed shall open or extend over the highway.

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

### **Highway Informatives**

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which

is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN 3) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

## **Comments**

The proposal is for the demolition of the existing dwelling and erection of a replacement dwelling with associated hard and soft landscaping, and erection of new entrance gate and boundary wall at The Four Winds, London Road, Rickmansworth London Road is a 40 mph principle A, main distributor road that is maintained at public expense. The application is for a complete redo of the property. The property sits adjacent to two large properties, both gated and with boundary walls. The property is currently vacant.

## **Vehicle Access**

From the proposal it is stated that the new dwelling will use the existing VXO at the current property with a new driveway and hard standing. The driveway will be fronted by a boundary wall and an electric gate. Both will have metal railings above 1 metre which allows for adequate visibility when vehicle enter and exit the property. As London Road is a main distributor road, vehicles must enter and exit the highway in forward gear which is deemed possible owing to the large hard standing proposed at the front of the property.

## **Parking**

Parking is a matter for the local planning authority (LPA). However, HCC would comment that the application is proposing 4 - 10 spaces which is above the minimum of 3 as per Three Rivers guidelines. The property is unlikely to cause an excess in movement from that of the other properties on the street owing to the similar large scale. Construction vehicles would need to park on site and not on the highway network so as to not reduce highway safety.

## **Drainage**

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

### **Refuge / Waste Collection**

Provision has been made for an on-site bin-refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by TRDC waste management.

### **Emergency Vehicle Access**

The proposed dwelling is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in 'MfS', 'Roads in Hertfordshire; A Design Guide' and 'Building Regulations 2010: Fire Safety Approved Document B Vol 1 – Dwelling houses'.

### **Conclusion**

HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informatives and condition.

#### 4.1.3 Herts Ecology: [No objection]

Thank you for consulting Hertfordshire Ecology on the above. The property is in an area of low-density housing with large houses and gardens. It backs onto Moor Park Golf Course, a Local Wildlife Site (LWS) with mixed habitats. Batchworth Park Golf Course, also with mixed habitats (but not a LWS), lies across in road in front of the property. The site comprises a large detached dwelling with plenty of roof and ridge tiles and hanging wall tiles. The garden is unmanaged and largely overgrown. Habitat connectivity is good, and the local habitats are likely to offer opportunities for protected species (such as bats, birds, reptiles, badgers, hedgehogs) to breed, forage and shelter. The Local Records Centre has records of bats and badgers in the area.

Consequently, I am pleased to see two ecological reports have been submitted with this application:

- *Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (Arbtech, 16 June 2020)*
- *Emergence and Activity Bat Survey (Cherryfield Ecology, 7 August 2020)*

#### Ecological Appraisal

The site was visited on 29 May 2020 in order to describe the main habitats and features present; evaluate the potential value of these habitats / features to support protected species; evaluate the impact of the proposals on the ecological interest found, and provide both mitigation measures and actions to achieve biodiversity gain.

The recommendations and enhancements for badgers, birds, reptiles and hedgehogs should be followed. Most of the recommendations for bats should also be followed, *except the need for three further surveys which have already been completed.*

A number of trees are proposed for removal; however, the landscape plan shows adequate replacement planting of native beech hedgerows and mixed trees and shrubs (native, non-native, and fruit trees) to compensate for this loss.

I do not anticipate any adverse effects from the proposal on the adjacent Local Wildlife Site (LWS); however, I advise the following precautionary approach Informative is added to any consent given:

*“All works (including vehicle movements, materials and waste), must be kept strictly within the curtilage of the proposed development site, and under no circumstances should there be any detrimental physical impact to the adjacent Local Wildlife Site”*

I am pleased to see recommendation for an 'Environmental Mitigation, Enhancement and Management Plan (EMEMP)' - which sounds like a combination of a Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) - to control impacts to the LWS, which I would support.

### Bats

Two species of bats are confirmed roosting in the house and an EPS licence will be required from Natural England to proceed lawfully with demolition. Suitable mitigation has been provided within the bat report to safeguard bats and ensure their conservation status is maintained. With these mitigation measures in place, I consider the LPA has sufficient information to deal adequately with bats from a planning perspective, and can apply and satisfy the third test of the Conservation of Habitats and Species Regulations 2017 prior to determination. I advise the following Condition is added to any consent issued:

*"The demolition of the house shall not in any circumstances commence unless the local planning authority has been provided with either:*

*a) a licence, or confirmation of valid licence, issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified activity / development to go ahead; or*

*b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence. "*

#### 4.1.4 Landscape Officer: [No objection]

*The application is accompanied by an Arboricultural Impact Assessment, Method Statement.*

*Any of the trees located in the property are protected and are covered by a TPO, and the location is not in a Conservation Area.*

*Therefore, I do not wish to raise any objections, as I have no concerns of the proposed works.*

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 2

4.2.2 No of responses received: 1 objection

4.2.3 Site Notice: Expired 19.11.2020                      Press notice: Not required

4.2.4 Summary of Responses:

- Objections to the loss of the existing building

## **5 Reason for Delay**

5.1 Committee cycle

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

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

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and

that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

## 6.2 The Three Rivers Local Development Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 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, DM2, DM4, DM6, DM10, DM13, Appendix 2 and Appendix 5.

## 6.3 Other

Supplementary Planning Guidance No 3 – Extensions to Dwellings in the Green Belt (August 2003).

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

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

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

## **7 Planning Analysis**

### 7.1 Principle of Development

7.1.1 The existing dwelling is not a Listed Building and is not located within a Conservation Area. It is not considered to be of any particular historic significance or merit such that it would warrant protection. As such there is no in principle objection to its removal subject to all other material planning considerations as outlined below.

### 7.2 Green Belt

7.2.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of

the purposes of including land within Green Belt is to safeguard the countryside from encroachment.

7.2.2 The NPPF identifies the five purposes of including land in Green Belts as:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.2.3 Paragraph 145 of the NPPF indicates that the construction of new buildings within the Green Belt should be regarded as inappropriate; inappropriate development in the Green Belt is, by definition harmful. However Paragraph 145 (d) outlines that one exception to this is, the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

7.2.4 Policy CP11 of the Core Strategy sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.

7.2.5 Policy DM2 of the Development Management Policies LDD (DMP LDD) states that replacement dwellings in the Green Belt will only be permitted where the replacement does not materially exceed the size of the original dwelling and the replacement would not be more harmful to the visual amenity and openness of the Green Belt by reason of its siting than the original dwelling.

7.2.6 The NPPF does not set out how 'materially larger' should be assessed. Whilst it is acknowledged that this application seeks planning permission to demolish the existing dwelling; SPG3 is a helpful tool in the assessment of the additional floorspace of the proposed dwelling. SPG3 outlines that extensions resulting in a cumulative increase in floor space of over 40% compared with the original dwelling may be disproportionate.

7.2.7 The proposed dwelling would have a 94% increase in floorspace compared with the existing dwelling and a 74% increase in footprint. In addition to this the proposed dwelling would be of a significantly greater overall size and scale than the existing dwelling. The existing dwelling has a catslide roof form to the front and side with a relatively modest profile and traditional roof forms including pitched roofed dormer windows at first floor level. The proposed dwelling would have a true first floor, crown roof and significantly deeper flank elevations (by approx. 5m) in addition to a substantially larger roof form. The key comparative measurements are indicated within the table below:

	Existing	Proposed	% increase
Footprint	223sqm	387sqm	58%
First floor space	175sqm	351sqm	101%
Ground floor depth	11.8m	13.6m (not including front projection)	15%
First floor flank	8.6	13.6	58%

Overall width	26m	29m	12%
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- 7.2.8 Other elements of the design also exacerbate the overall scale of the proposed dwelling including the proposed two storey front projection with pillars which create a vertical emphasis. It is noted that the proposed dwelling would be comparable in its overall height to that existing, however the streetscene does not take into account the catslide roof form and single ridge of the existing dwelling. In this case when comparing the side elevations there is a substantial increase in the overall scale of the flanks which would be readily visible, particularly when viewed from the larger gap next to Winchmorton. It is also noted that the creation of a true first floor and introduction of first floor windows results in an increase in eaves height which are currently at single storey level with the exception of a modest front gable feature.
- 7.2.9 As such the proposed dwelling would be materially larger than the one it replaces. The development therefore fails to meet any of the exceptions defined within the NPPF and therefore constitutes inappropriate development.
- 7.2.10 By virtue of its greater overall scale the proposed dwelling would also result in a greater isolated impact on openness. As previously outlined the landscaping plan submitted outlines that a very formal garden is proposed with additional hardstanding and a replacement outbuilding. Whilst in itself the proposed additional hard surfacing may not be unacceptable the proposed replacement dwelling would result in actual harm to openness.
- 7.2.11 The proposed gates and front boundary wall would extend the full width of the site frontage. However given that the pillars would be spaces at 4m intervals and would provide a sense of spacing through the railings it is not considered that this element would in itself be harmful.
- 7.2.12 The NPPF is clear at paragraph 143 that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 144 sets out that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.
- 7.2.13 *Any other harm*
- 7.2.14 The following sections will now assess whether there would be any other harm associated with the development along with its inappropriateness and impact on openness of the Green Belt.
- 7.3 Impact on Character and Street Scene
- 7.3.1 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'.

- 7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general streetscene and should respect the character of the streetscene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials
- 7.3.3 Appendix 2 of the DMP LDD outlines that 1.2m of spacing should be retained from the boundary at first floor level.
- 7.3.4 The main two storey flank of the proposed dwelling would be set in a minimum of 8.6m from the boundary with Vermont and over 20m from the boundary with Winchmorton. As such the proposed dwelling would comply with the guidelines of Appendix 2 in this respect.
- 7.3.5 It is acknowledged that the proposed dwelling would be of a significantly greater overall scale than that which it replaces however is not considered to result in unacceptable harm in terms of character or streetscene for the reasons outlined below.
- 7.3.6 Appendix 2 of the DMP LDD outlines that crown roof forms are generally not supported as they are indicative of the excessive bulk and massing of a building.
- 7.3.7 It is noted that the proposed dwelling would have a crown roof and the London Road is generally characterised by more traditional roof forms. However there is no prevailing character of properties within the streetscene with differing architectural designs, scales, ridge heights and materials. The proposed dwelling would sit within the plot and would respect the generous spacing which characterises the London Road. As such it is not considered that the proposed dwelling would appear incongruous or unduly prominent within the streetscene so as to result in detrimental harm to the character of the area.
- 7.3.8 The proposed front boundary wall and gates would not appear incongruous within the streetscene where a variety of front boundary treatments including walls, railings and gates are evident. A hard and soft landscaping scheme would be reserved by condition to ensure the development respects the open and verdant character of the area.
- 7.3.9 The proposed outbuilding would be visible from the streetscene however would appear as an ancillary building and would not appear at odds within an area where other outbuildings are evident.
- 7.3.10 In summary it is not considered that the proposed development would result in significant adverse impact on the character or appearance of the street scene or area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document. Notwithstanding the above this does not outweigh the identified harm to the Green Belt as set out in the previous section.

#### 7.4 Impact on amenity of neighbours

- 7.4.1 Policy CP12 of the Core Strategy states that development should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.4.2 Policy DM1 and Appendix 2 of the DMP LDD set out that new development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. The Design Criteria (Appendix 2 of the Development Management Policies) state that two storey development to the rear of properties 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.

- 7.4.3 The proposed dwelling would be of a greater overall scale than the existing dwelling. However the proposed dwelling would not intrude a 45 degree splay line from the point on the boundary level with the rear of either Winchmorton or Vermont. The main flank of the dwelling would also be set in 8m from the boundary with Vermont and 23m from Winchmorton. As such it is not considered that the proposed new dwelling would result in unacceptable harm by reason of loss of light or an overbearing impact. It is not considered that the first floor flank windows facing Winchmorton would need to be obscure glazed given the separation distance however those facing Vermont would be conditioned to be obscure glazed and top level opening only.
- 7.4.4 The proposed outbuilding would be set up to the boundary with Vermont and would be sited beyond the rear elevation of this neighbour however given that this dwelling is set off the boundary and the outbuilding would be single storey in nature it is not considered that it would result in detrimental harm to this neighbour.
- 7.4.5 The proposal would therefore be acceptable in terms of its impact on neighbouring properties, in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

## 7.5 Amenity Space

- 7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.5.2 The proposed dwelling would have 5 bedrooms and as such would require 126sqm of amenity space in accordance with the requirements of Appendix 2. Over 1600sqm of amenity space would be retained which would be ample to serve the new dwelling.

## 7.6 Wildlife and Biodiversity

- 7.6.1 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.
- 7.6.2 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.
- 7.6.3 The application has been submitted with a Biodiversity Checklist and a bat survey prepared by Cherryfield Ecology. This report has been reviewed by Herts Ecology who are satisfied with the findings and considered that the LPA have sufficient information to determine the application. A license would be required and an informative will be added.

## 7.7 Trees and Landscaping

- 7.7.1 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.
- 7.7.2 There are no protected trees on or near the site and it is not located within a Conservation Area. The Landscape Officer has reviewed the proposal and does not consider that the proposal would be unacceptable in this respect. Whilst a planting plan has been submitted this includes some elements which have not been included within the development proposal and therefore a revised hard and soft landscaping plan would be required by condition.

## 7.8 Highways, Access and Parking

- 7.8.1 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.
- 7.8.2 The proposed development would result in a 5 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 proposed development includes the provision of additional hardstanding to the front, which would provide parking for three vehicles. Therefore, it is considered that there would be sufficient onsite parking provision to serve the proposed dwelling.
- 7.8.3 The plans submitted indicate that the proposed gates would open into the site and would be set back from the Highway. As such it is not considered that the proposal would result in any harm in this respect. As requested by the Highways Officer it is considered reasonable to condition that no part of the wall should encroach onto the highway land in front of the site nor should the gate open on to the pavement.

## 7.9 Sustainability

- 7.9.1 Paragraph 93 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.
- 7.9.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
- 7.9.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.9.4 This application has been accompanied by an energy statement prepared by Innversion design which confirms an overall reduction of 15.9% therefore exceeding the requirements of Part L. A condition would be attached to require the development to be carried out in accordance with this report.

## 7.10 Very Special Circumstances

- 7.10.1 The NPPF is clear at paragraph 143 that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 144 sets out that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.
- 7.10.2 The proposed replacement dwelling would provide a replacement single family dwelling. Whilst the proposed dwelling would be more energy efficient than the one that it replaces,

this is a policy requirement of any replacement dwelling in the District. As such it is not considered that any Very Special Circumstances exist that would outweigh the identified harm to the Green Belt through its inappropriateness and the impact on the openness of the Green Belt.

- 7.10.3 In summary the proposal would represent a replacement dwelling which would be materially larger than the building it replaces. The development would result in a visually prominent form of development to the detriment of the openness of the Green Belt. The development would not constitute an exception to inappropriate development in the Green Belt and would not be acceptable in accordance with the NPPF, Policy CP11 of the Core Strategy and Policy DM2 of the DMP LDD.

## **8 Recommendation**

That PLANNING PERMISSION BE REFUSED for the following reason:

- R1 The proposal would represent a replacement dwelling which would be materially larger than the building it replaces and would result in a visually prominent form of development to the detriment of the openness of the Green Belt. The development would therefore constitute inappropriate development, which, by definition, is harmful to the Green Belt and further harm is identified to the openness of the Green Belt through the scale of the replacement dwelling. No very special circumstances exist which outweigh the development's inappropriateness and harm to openness. The development is therefore contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the DMP LDD (adopted July 2013) and the NPPF (2019).

### **8.1 Informatives:**

- I1 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 has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.