

PLANNING COMMITTEE – 21 JANUARY 2021

PART I - DELEGATED

7. **20/2393/FUL - Part single storey, part two storey rear extension, first floor side extension above existing garage, conversion of loft space to provide habitable space, roof alterations to include the raising of the ridge and insertion of a dormer window to the front elevation and dormer windows to the rear at WILDWOOD, LOUDWATER HEIGHTS, LOUDWATER, WD3 4AX**

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 5 January 2021
Extension of time: 22 January 2021

Ward: Chorleywood North and Sarratt
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: Called in by three Members of the Planning Committee unless Officers are minded to approve, as a Ward Councillor has informed Members that the proposed works, whilst substantial, are in keeping with the existing property and those surrounding.

1 Relevant Planning History

- 1.1 W/358/50: Dwelling.
- 1.2 02/00161/FUL: First floor side extension, additional storey to garage. Application permitted. Permission not implemented.
- 1.3 07/0177/FUL: Renewal of planning permission 02/00161/FUL: First floor extension over existing garages. Application permitted. Permission not implemented.
- 1.4 10/0933/FUL: Renewal of planning permission 07/0177/FUL: First floor extension over existing garages. Application permitted. Permission not implemented.

2 Description of Application Site

- 2.1 The application site contains a large two storey detached dwelling located to the southern side of Loudwater Heights, a cul de sac within the Loudwater Conservation Area. The Conservation Area and Loudwater Heights itself are characterised by detached dwellings set on large plots within a sylvan setting.
- 2.2 Wildwood is a white rendered dwelling with a sloping catslide roof form to one side, and a gabled feature with timber cladding to the front elevation. To the side of the dwelling is an attached single storey element which comprises a triple garage along with various other rooms. This extension has a crown roof form.
- 2.3 To the front is a gravel driveway with provision for ample off street car parking with part of the frontage laid to lawn. The property is located at a lower land level in relation to the highway and is accessed via a white timber gate. There are also several trees within the frontage of the application site, including a large Cedar Tree. The application site is covered by an Area Tree Preservation Order (TPO) (295).
- 2.4 To the rear, there is an existing two storey hipped projection, the ground floor of the dwelling partly extends to the same extent as this element and there is a balcony above this at first floor level. A raised rear patio is located immediately adjacent to the dwelling with the remaining garden area laid to lawn. The boundaries are screened by extensive vegetation and high mature trees.

- 2.5 The neighbouring property to the north-west (Mulberry House) consists of a modern two storey detached dwelling (built in 2006 following the grant of planning permission 06/1286/FUL) which is set at an angle to the application dwelling. This neighbouring dwelling is located on a similar land level and set forward in relation to the host dwelling. A vegetation screen and mature trees runs along the flank boundary of the site.
- 2.6 The neighbouring dwelling to the north-east at Chateau Tranquil is a two storey detached property which is set on a similar land level to the application dwelling and is set at an angle to the host dwelling. The common boundary is marked by dense vegetation and mature trees.
- 2.7 The neighbouring dwellings to the south and south-west (Aigemont, Trees, Woodcourt and Beeches which front Troutries) are also two storey detached dwellings which are set on a lower land level in relation to the host dwelling. The shared boundary with these dwellings is also bounded by dense vegetation and mature trees.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for a part single storey, part two storey rear extension, first floor side extension above existing garage, conversion of loft space to provide habitable space, roof alterations to include the raising of the ridge and insertion of a dormer window to the front elevation, side and rear elevations.
- 3.2 The proposed first floor side extension would be constructed over the existing single storey garage and would have a width of 12.5m and would have a depth of 10m. The extension would be located approximately 10m from the flank boundary. Two hipped roofed dormer windows would be included in the flank roof slope of this side extension, which would have a catslide form.
- 3.3 To the front, the proposal would introduce a new central front gable which would adjoin the new higher ridge line. The existing gable section would be removed and altered to form part of the main hipped roof. A front porch is also proposed which would have a width of 3.7m and depth of 1.1m with columns either side and a flat roof with a maximum height of 3.1m.
- 3.4 To the rear, a part two storey/part single storey rear extension is proposed. The two storey rear element would have a maximum depth of 6m, with the deepest element having a width of 7.1m with a hipped roof form with a maximum height of 8.9m and eaves height to match that of the existing dwelling. The two storey rear extension would have a minimum depth of 4.6m. The single storey rear element would have a maximum depth of 6m and would have a flat roof form with a maximum height of 4.8m with parapet sections.
- 3.5 As a result of the extensions proposed the existing roof form would be increased in height by approximately 0.9m, to a maximum ridge height of 8.9m. A crown roof would be created and would have a depth of 2.7m and width of 17.8m. Three pitched roof dormers are proposed to the rear roof slope. To the front, one pitched roof dormer window is proposed.
- 3.6 Alterations to fenestration are proposed within the front, rear and flank elevations. Fenestration is proposed to the rear elevation at both ground and first floor level. Above the ground floor extension a balcony is proposed which would have a width of 5.5m with a metal railing balustrading proposed.
- 3.7 Rooflights are also proposed within the rear and flank roof slopes.
- 3.8 Additional information was sought during the course of the application with regard to a bat survey. This information was submitted during the course of the application.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [No objection]

The Committee had no objection to this application.

4.1.2 Conservation Officer: [Objection]

This application is for a part single storey, part two storey rear extension, first floor side extension above existing garage, conversion of loft space to provide habitable space, roof alterations to include the raising of the ridge and insertion of a dormer window to the front elevation and dormer windows to the rear.

The property is located in the Loudwater Estate Conservation Area. Loudwater Heights comprises 1950s development of large two-storey dwellings set on substantial plots. The properties within Loudwater Heights have characteristics of Loudwater Estate and therefore make a positive contribution to the area. The property is considered to make a positive contribution to the area as it presents characteristics that are fundamental to the area's architectural and aesthetic value.

This application follows the submission of a pre-application and a formal application for a similar scheme which was subsequently withdrawn.

Heritage concerns raised at pre-application and the previous full application were as follows:

This application follows the submission of a pre-application for a similar scheme. Previous heritage advice raised concerns regarding:

- The unsympathetic appearance of the proposal;
- Dominant form and scale of the extensions which undermines the existing property;
- Unacceptable crown roof form;
- Bland appearance of the rear fenestration;
- Incongruous balcony to the rear; and
- The overall design of the proposal which fundamentally alters the appearance of the property.

There have been minor changes made to the proposed scheme, including:

- Adding a pitched roof to the dormers;
- Adding glazing bars to the upper section of the windows and doors of the rear elevation;
- Balustrading of the balcony presents metal railings as opposed to glass; and
- Reduction in the length of the balcony.

It was concluded that the amendments did not address concerns raised at pre-application stage.

There have since been minor amendments namely the omission of the electric gates. This proposal does not address previous concerns.

Previous advice stated:

The proposed alterations do not go far enough to address previous concerns. The proposal results in excessively large front, side and rear extensions, as well as increasing the ridge height, almost doubling the massing of the property. This proposal undermines the existing property and its original form will be entirely lost. This proposal will severely detract from the character and appearance of the Conservation Area and is considered highly inappropriate and unsympathetic.

With regard to front extensions, the Conservation Area Character Appraisal states: To prevent the erosion of open street vistas, residential amenity and the appearance of a street, construction in front of the existing building line or existing building façade is unacceptable. (See page 9).

This remains relevant as there have been no changes to the increased bulk and massing of the extensions. The increase in ridge height and rear extensions (resulting in a crown roof) result in the loss of the property's traditional form. The additional bulk of the side extension is considered to detract from the pre-eminence of the host. Extensions should remain subservient and legible as later addition.

Other examples of crown roofs within the Conservation Area are not considered appropriate and dilute the architectural quality of the area. I acknowledge that the rear elevation is not seen from the public domain, however, lack of visibility does not automatically equate to lack of harm and the alterations would be visible from the gardens of neighbouring dwellings which also sit within the conservation area (As set out in 2019 Appeal APP/B5480/D/19/3227917). I recommend the Juliet balcony is omitted from any future application.

The proposals would, in my opinion, fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. 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.

4.1.3 Herts Ecology:

The application site is a detached two storey dwelling with complex pitched roofs in an area of low-density housing, with large gardens and plenty of mature trees in the neighbourhood. There are records of roosting bats in the vicinity.

Bats

All British bats are classified as European Protected Species and sufficient information is required to be submitted to the Local Planning Authority *prior to determination*, so it can consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended).

A bat report has been submitted in support of this application – *Preliminary Bat Roost Assessment (Chase Ecology & Conservation Consultants, undated)*. A daytime inspection of the property was undertaken on 5 October 2020 and evidence of bats (droppings) was found throughout the main roof void along with a concentrated area of droppings behind the north facing gable. Gaps amongst the hip tiles around the main roof coverings of the dwelling section of the property; and spaces between roof tiles and felt membrane coverings (that both crevice-dwelling and void-dwelling bats could access) were also identified. The house was assessed to have *high* roosting potential and following practice guidelines, three follow-up emergence / re-entry surveys are recommended to determine presence/absence and to provide appropriate mitigation to safeguard bats if present and affected by the proposals.

Emergence / re-entry surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm.

Therefore, until the follow-up surveys are undertaken, the LPA does not currently have enough information regarding mitigation to safeguard any extant bats.

As we within the unfavourable time of year to undertake these bat activity surveys, to address this now, an *Outline Mitigation and Compensation Strategy with appropriate recommendations* should be provided to enable the LPA to consider the impact of the proposals on bats and satisfy the third test of the Habitats Regulations. This strategy need only be brief and should assume the presence of a bat roost proportionate to the location; it can be modified if necessary once the results of the follow-up surveys are known. In this

situation only (i.e. once a submitted outline mitigation & compensation strategy has been approved prior to determination), can I advise the outstanding surveys are secured by Condition.

It is acknowledged that if bats will be affected by the proposals, appropriate mitigation measures must be carried out under the legal constraints of a European Protected Species development licence obtained from Natural England. I have no reason to believe that a licence will not be issued if applied for.

To conclude: Currently there is insufficient information on bats to determine this application. Once the requested information (an Outline Mitigation and Compensation Strategy) has been provided, I can advise the LPA as necessary.

4.1.4 Landscape Officer: [No objection, subject to conditions]

Recommend: Approval, subject to conditions.

Please apply a condition requiring the applicant to follow the submitted arboricultural report and tree protection method statement (Ref: SAL/KMA/10485).

4.1.5 Loudwater (Troutstream Estate) Ltd: No response received.

4.1.6 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 9

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired 08/12/2020 Press notice: Expired 11/12/2020

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

- 6.2.1 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.
- 6.2.2 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, CP8, CP9, CP10 and CP12.
- 6.2.3 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.

The Loudwater Estate Conservation Area Appraisal (2013) is also relevant.

7 **Planning Analysis**

7.1 Impact on the character and appearance of the dwelling, street scene and conservation area

- 7.1.1 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 provide further guidance on residential development and set out that development should not result in harm to the street scene. Policy DM3 of the Development Management Policies LDD relate to development in Conservation Areas and states that development will only be supported where it preserves or enhances the character and appearance of the Conservation Area. The Loudwater Conservation Area Appraisal is also relevant to the assessment of this application and states the following:

“The Conservation Area comprises an extensive area of low density properties in large individual plots within a sylvan, woodland setting...The eastern area is characterised by its steeply sloping bank which rises from the River Chess to Sarratt Lane. There is great contrast within this eastern region, which contains thatched show-homes of the McNamara era in addition to modern additions at Loudwater Heights.

Loudwater Heights comprises 1950s development and is located in the north-western corner of the Conservation Area and is accessed from Sarratt Lane. The cul-de-sac is characterised by large, two storey detached dwellings of varied designs on substantial plots...Despite these dwellings being a relatively modern addition to the Conservation Area, they possess characteristics that are identifiable with the Loudwater Estate, such as the expansive plots and wide, open frontages within a sylvan setting.”

- 7.1.2 The application dwelling is of an Arts and Crafts style, with a sloping catslide roof form and asymmetrical appearance. It is recognised that the house is a later addition to the Conservation Area however the Conservation Officer notes that the style, design and material of the property still upholds the characteristics of the Loudwater Conservation Area and thus it is held to make a positive contribution to the character and appearance of the area. Whilst there is no principle objections to further extensions to the dwelling, in this instance, due to the scale of the extensions proposed it is considered that the proposed development would substantially alter the appearance of the existing dwelling, thereby significantly diluting its existing character to such a degree that it would have a harmful impact on the host dwelling and wider Conservation Area which is expanded upon below.
- 7.1.3 With regard to two storey side extensions, Appendix 2 of the Development Management Policies LDD states that the first floor flank wall should be set in from the boundary by 1.2m in order to prevent a terracing effect although this distance should be increased in lower density areas. In this case, the plans indicate that the first floor side extension would be set in from the flank boundary by approximately 10m, as such it significantly exceeds the distance set out above.
- 7.1.4 However, notwithstanding this, given the nature of the plot, which narrows to the frontage, it is noted that the proposed first floor side extension would be readily visible from the streetscene and when viewed from the adjacent highway would appear excessively wide and would result in a significant built form frontage coverage which would detract from the original form of the property. Whilst it is noted that a first floor side extension and additional storey to the garage was permitted in 2002 under planning permission 02/00161/FUL, this did not cover the entire width of the ground floor extension and retained a significant gap between the main dwelling and the extension and included a ridge height lower than the main dwelling, unlike the extensive extensions proposed in this instance.
- 7.1.5 Furthermore, the Conservation Officer has raised concern with regard to the erosion of open street vistas and construction in front of the existing building line through the addition of a modern front porch extension which is unsympathetic in its design and further dilutes the existing character of the house.
- 7.1.6 With regard to the cumulative impact of the proposal, it is considered, as stated by the Conservation Officer, that the extensions would have a dominant appearance and a scale which undermines that of the host dwelling. It is considered given the extent of the proposed extensions, that they would subsume and dominate the original dwelling which would detract from its existing character. At present, the existing narrow two storey gable is widely visible from the street scene and is a principal feature of the host dwelling. However, the proposal introduces a larger, centrally sited gable which would further dominate the principal elevation, competing with the original features of the host dwelling and thus fails to respect the Arts and Crafts appearance of the existing building.
- 7.1.7 Due to the scale of the rear extensions, the proposed development also includes an increase in ridge height of approximately 0.9m to have a maximum height of 8.9m and the introduction of a significant wide crown roof, an indication that the footprint of the house is too large for the ridge to naturally meet. Appendix 2 of the Development Management Policies LDD states the following with regard to roof alterations:

Crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured. Increases to ridge height will be assessed on their own merits at the time of planning application.

Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council.

- 7.1.8 It was ascertained during a site visit conducted by the case officer that the neighbouring dwelling are staggered. However, it is noted that an illustrative street scene has not been submitted. The existing ridge of the host dwelling has an overall height of 8m and the proposal involves an increased in the height of the ridge of 0.9m to have a height of 8.9m. The existing eaves height would remain unaltered. The neighbouring dwelling at Chateaux Tranquil is located on a similar land level and has a ridge width wider than that of the host dwelling. The neighbouring dwelling at Mulberry House is located on a similar land level to the application dwelling and has a wider ridge than that of the host dwelling. As such, it is not considered that the proposed increase in ridge height would be excessive relative to the neighbouring properties, and spacing would be maintained between the ridge of the application dwelling and that of this neighbour as such it would not appear excessive or unduly prominent within the street scene.
- 7.1.9 Notwithstanding the above, the introduction of a significant crown roof is considered unsympathetic and is not typical of the Conservation Area. Whilst there is a flat roof concealed by an artificial ridge over the garage, this is not in keeping with the traditional appearance of the houses in Loudwater Heights and should not set a precedent for the rest of the property. Cumulatively, it is considered that the, crown roof form, depth and part gabled design of the two storey rear extension would exacerbate the bulk and massing of the development to an unacceptable degree.
- 7.1.10 The proposal also includes front, side and rear dormer windows. Appendix 2 of the Development Management Policies LDD advises that dormer windows should be subordinate to the main roof form, they should be set down from the ridge, set back from the plane of the wall and in from both sides of the roof. It is considered that the proposed dormer windows, with their pitched roofs would not detract from the character and appearance of the host dwelling and would appear subordinate to the host dwelling which would comply with the guidance. Furthermore, the Conservation Officer raises no objection to these elements of the proposal.
- 7.1.11 Concerns are further raised with regard to the extensive fenestration design to the ground and first floor windows within the rear elevation. It is considered that the rear fenestration fails to respect the character and appearance of the host dwelling and the existing fenestration within the principal elevation, with the proposed openings considered too modern in appearance and large in size.
- 7.1.12 In addition, concern is raised relating to the provision of a balcony within the rear elevation at first floor level. Whilst it is acknowledged that the existing dwelling already benefits from a balcony, the proposed balcony introduces extensive metal balustrading which is at odds with the traditional style of the host dwelling and as such fails to preserve and enhance the character and appearance of the host dwelling.
- 7.1.13 It is noted that the immediate vicinity and the wider Loudwater context is varied in terms of the design, scale and external material finish of each dwelling. Notwithstanding this, it is not considered that the proposed extensions would be sympathetic to the character and design of the host dwelling and as such would result in harm to the character and appearance of the host dwelling and Conservation Area.
- 7.1.14 In summarising the above, the existing dwelling makes a positive contribution to the character and appearance of the street scene and the Loudwater Conservation Area. The proposed development by reason of its excessive width, depth, height, design and increased bulk and massing would subsume the character of the existing dwelling, resulting in a development which is unsympathetic to the host dwelling, eroding its original character, street scene and wider Conservation Area. The proposal would lead to less than substantial harm to a designated heritage asset however no public benefits have been demonstrated which would outweigh the harm. The development therefore fails to preserve or enhance the character and appearance of the Conservation Area and is therefore contrary to 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), the Loudwater Estate Conservation Area Appraisal (2013) and the NPPF (2019).

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.
- 7.2.2 The Design Criteria at Appendix 2 provide specific guidance including that to avoid unacceptable loss of light to neighbours, two storey development at the rear of properties should not intrude a 45 degree splay line across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the positioning of windows and development to neighbours.
- 7.2.3 The 45 degree angle taken from the boundary adjacent to the ground floor rear building line of the neighbouring property to the North West at Mulberry House, would not result in any intrusion. It is noted that this neighbour is located approximately 20m from the host dwelling with an extensive plot. The two storey side and rear extension would be located to the west of the host dwelling. The rear extension would be set in approximately 20m from the common boundary with this neighbour and given the existing boundary treatment, the relationship between this neighbour, topography of the application site and the proposed depth, height and design of the extensions, it is not considered that the development would not cause a loss of light or appear overbearing to this neighbour.
- 7.2.4 The proposed extension would be set in from the common boundaries with the adjacent properties at Aigemont, Trees, Woodcourt and Beeches. Furthermore, these properties are set in from the shared boundaries with the application site and sited in extensive plots. Therefore the proposed extensions would not appear over bearing in relation to the neighbours within the vicinity of the host dwelling. As such, the proposal is not considered to result in a loss of light to any neighbouring properties.
- 7.2.5 The proposed extensions given their siting would bring built form close to the neighbouring dwelling to the north-east at Chateau Tranquil particularly at first floor level. However given the separation distance of approximately 40m and that the extensions would be set in from the common boundary the proposal would not cause any loss of light or overbearing impact to the visual amenities of these neighbouring properties.
- 7.2.6 Glazing is proposed within all elevations at both ground and first floor. Due to the relationship with the neighbouring properties and orientation of the host dwelling, the proposed glazing would not result in any overlooking to any neighbouring dwellings. Whilst there would potentially be views of neighbouring gardens, these views would not be significantly different to existing views available from the first floor fenestration so as to cause loss of privacy justifying refusal of permission.
- 7.2.7 The Design Criteria state that development should not incorporate balconies which overlook neighbouring properties to any degree. The proposed balcony would be constructed within the rear elevation at first floor level with metal railings. Due to its position and elevated height, the proposed first floor balcony would not result in any overlooking to any neighbouring dwellings. Given this, it is not considered that this element would result in any overlooking to any neighbouring dwellings.
- 7.2.8 As such, it is not considered that the proposed development would result in any adverse impact on neighbouring dwellings and the development would be acceptable in accordance

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

7.3 Amenity Space Provision for future occupants

7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. The proposal would not result any additional bedrooms. The Design Guidelines (Appendix 2 of the Development Management Policies document) set out that a four bedroom dwelling should provide 105sqm amenity space.

7.3.2 The application site would retain in excess of 1600sqm space following implementation of the proposed development for future occupiers and as such would exceed the standards and is considered acceptable in this regard.

7.4 Wildlife and Biodiversity

7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.4.3 Hertfordshire Ecology were consulted as part of this planning application and have concluded that whilst the current application provided a Preliminary Bat Roost Assessment conducted by Chase Ecology and Conservation Consultants which is updated it is considered that until an dusk emergence survey is carried out (as recommended in the submitted appraisal) and an outline mitigation strategy for bats with appropriate recommendations have been submitted, there is insufficient information to enable the LPA to make a fully informed decision regarding the potential presence of European Protected Species.

7.4.4 Therefore, in the absence of the required details, it is not considered that it has been demonstrated that the proposed development would not have an adverse impact on any protected species which may be present within or use the site. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected species or their habitats contrary to Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies document sets out that development should not result in a net loss of biodiversity value across the District as a whole. Development on sites which contain existing trees and hedgerows are expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value.

7.5.2 It is noted that all the trees within and adjacent to the application site are protected by designation of the Conservation Area and an area tree preservation order.

- 7.5.3 The current application is accompanied by an Arboricultural Impact Assessment, Method Statement and Tree Protection statement (Ref: SAL/KMA/10485).
- 7.5.4 The Landscape Officer has been consulted during the course of the application and raises no objection to the scheme. It is recommended that a condition be attached to any grant of planning consent to prevent any damage or removal of trees within and adjacent to the application site in accordance with the approved tree plan, method statement and impact assessment.
- 7.6 Highways, Access and Parking
- 7.6.1 The proposed development would not encroach upon the existing rear amenity space provision.
- 7.6.2 The scheme would not result in any additional bedrooms. Policy DM13 of the DMP LDD requires development to make provision for parking in accordance with Appendix 5 Parking Standards. The Parking Standards state that dwelling with four bedrooms should have a total of three parking spaces. The existing driveway and garage to the frontage of the application site could accommodate at least three vehicles. As such, the proposal would comply with Policy DM13 and Appendix 5 of the DMP LDD.

8 Recommendation

That PLANNING PERMISSION BE REFUSED for the following reasons:

- R1 The proposed development by reason of its excessive width, depth, height, design and increased bulk and massing would subsume the character of the existing dwelling, resulting in a development which is unsympathetic to the host dwelling, eroding its original character, and that of the streetscene and wider Conservation Area. The proposal would lead to less than substantial harm to a designated heritage asset however no public benefits have been demonstrated. The development therefore fails to preserve or enhance the character and appearance of the Conservation Area and is therefore contrary to 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), the Loudwater Estate Conservation Area Appraisal (2013) and the NPPF (2019).
- R2 In the absence of the required details, it is not considered that it has been demonstrated that the proposed development would not have an adverse impact on any protected species which may be present within or use the site. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected species or their habitats contrary to Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

8.1 Informative:

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.