

PLANNING COMMITTEE - 22 APRIL 2021

PART I - DELEGATED

8. **21/0249/FUL: Two-storey rear extension, part single-storey part first-floor side extensions, front porch, rear dormer windows and alterations to fenestration at 30 SOUTH APPORACH, MOOR PARK, HA6 2ET (DCES)**

Parish: Batchworth
Expiry of Statutory Period: 02.04.2021

Ward: Moor Park and Eastbury
Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The application has been called in by three members of the Planning Committee due to concerns regarding the impact of the development on this relatively unaltered and original 'founding' dwelling on this estate. Concern has been raised by Moor Park 1958 that the works would entirely engulf and subsume the dwelling.

1 Relevant Planning History

- 1.1 W/657/63: Garage and sun lounge
- 1.2 20/2463/FUL: Two-storey rear extension, part single-storey part first-floor side extensions, front porch, rear dormer windows and alterations to fenestration. Application withdrawn.

2 Description of Application Site

- 2.1 The application site consists of a two storey detached dwelling located on South Approach, Moor Park and is located within the Moor Park Conservation Area. The streetscene of South Approach and the wider Conservation Area is characterised by detached dwellings located on large plots with spacing between dwellings. The Moor Park Conservation Area states the following with regard to the special character of the area:

The existing development has a special visual quality created by large houses situated on individual plots along wide streets with high quality landscaping. The layout is characterised in some areas by open frontages, low walls or hedges separating gardens from the estate road verges, which was a feature of the original design....

The conservation area has a character and appearance deriving from low density "Metroland" development planned on a comprehensive scale in the 1930s. The characteristic building form within the conservation area is of detached two – storey houses with pitched roofs.

- 2.2 No. 30 is a relatively unaltered example of an early house within the Conservation Area. It retains details and features of architectural merit including an attractive four-pointed archway entrance, original fenestration pattern (to the front elevation) and materials typical of the 1920/30s development within the area. Adjacent to the boundary with no.32 is a detached garage with pitched roof; and adjacent to the boundary with no.28 is an attached flat roofed garage. To the front of the dwelling are two separate areas of hardstanding located to either side of the dwelling with soft landscaping located centrally. The dwelling sits at an elevated position in relation to the existing highway.
- 2.3 To the rear, is an existing two storey gabled projection located centrally and this contains a dormer window in the flank roofslope. Adjacent to this feature is a hipped roofed projection. There is an existing patio area located at the same level as the dwelling with the remaining garden area laid to lawn. With regard to the neighbouring dwellings; it is noted that no.28

appears to be set at a slightly lower land level but is set back on its plot relative to the application dwelling. The other adjacent neighbour, no.32 is set away from the boundary with a garage located adjacent to the boundary with the host dwelling.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for a two storey rear extension, part single and part first floor side extensions, front porch, rear dormer windows and alteration to fenestration detail.
- 3.2 The existing detached garage adjacent to no.32 would be demolished, and a part single, part first floor side extension is proposed in its place. The proposed ground floor element would have a width of approximately 0.7m from the flank wall of the existing dwelling and would have a depth of 5.6m. The first floor element would have a width of 2.2m and a depth of 4.8m. The first floor front wall would be set back from the front wall of the existing dwelling by 0.8m. The extension would have a hipped roof form which would be set down from the ridge of the original dwelling. The extension would be set in from the boundary by approximately 4.2m.
- 3.3 To the other side of the dwelling, the existing flat roofed garage would be removed. The ground floor extension would have a width of 2.2m from the flank wall of the existing dwelling and a depth of 6.3m. At first floor level, the extension would have a width of 2.2m and a depth of 4.8m. The extension would have a hipped roof form which would be set down from the ridge of the original dwelling. The extension would be set in from the boundary with no.32 by approximately 1.5m.
- 3.4 To the rear, a two storey extension is proposed. Due to the stepped building line at present, the extension would have a maximum depth of 4m and would extend for a width of 12.8m across the dwelling. In terms of design, the extension would consist of two hipped roofed projections with flat roofed dormer windows at second floor level. The dormer windows would have a width of 1.4m, a height of 1.4m and a depth of 1.4m. In the main roof slope of the dwelling, a further dormer is proposed. This would have a width of 2.2m and a height of 1.4m. Two flank roof lights are proposed to be located in the inward facing flank roof slopes of the extensions.
- 3.5 To the front, a porch is proposed which would part infill the existing arched entrance, resulting in the doorway being located 0.5m back from the front wall rather than 1.7m as exists currently. The brick arched detail would be retained.
- 3.6 Amended plans have been received during the course of the application which make the following amendments to the originally submitted plans:
- Retaining the eave height of the existing first floor flank windows;
 - Reducing the size of two of the rear dormer windows from three casement windows to two casement windows;
 - Removing two flank rooflights.

4 Statutory Consultation

4.1.1 Conservation Officer: (Initial objection overcome following receipt of amendments)

The application is for a two-storey rear extension, part single-storey part first-floor side extensions, front porch, rear dormer windows and alterations to fenestration.

The property is located within the Moor Park Conservation Area. Designated in 1995, the area covers the residential estate of Moor Park (named after the Moor Park Mansion on which the development stands) laid out in the 1920s and 1930s, with further development taking place in the 1950s following the removal of war time restrictions on building materials.

No. 30 South Approach appears to have been constructed in the late 1920s – early 1930s according to historic OS maps and forms part of the earlier phase of development. The houses of the 1920s and 1930s are integral to the character and appearance of the Conservation Area, as recognised within the Character Appraisal.

No. 30 is a relatively unaltered example of an early house within the Conservation Area. It retains details and features of architectural merit including an attractive four-pointed archway entrance, original fenestration pattern (to the front elevation) and materials typical of the 1920s/'30s development within the area. The building is considered to make a positive contribution to the Conservation Area, as per paragraph 2.7 of the Character Appraisal:

2.7 Buildings that Make a Positive Contribution to the Conservation Area

These buildings will be examples of relatively unaltered buildings where their style, detailing and building materials are characteristic of the conservation area. Occasionally, more "individual" buildings of particular style or materials would also be considered to make a positive contribution.

This application follows the withdrawal of a similar scheme (20/2463/FUL) which was considered to undermine the character and appearance of the Conservation Area due to the proposed unsympathetic alterations, including the loss of original features. The proposal has now been revised to better retain the appearance of the original house (retaining the materiality, chimney and brick archway to the storm porch), however, it is still proposed to alter the fenestration by lowering the sills of the first floor, altering their arrangement in the central bay and moving a ground floor window, and to partially infill the storm porch.

The alteration of the fenestration was raised as a concern previously and this remains. The changes unacceptably alter the original appearance of the property and undermine the contribution it makes to the Conservation Area as a relatively unaltered survival of its 1920s and '30s architecture. The Conservation Area Character Appraisal recognises that an important aspect of the area's significance is the 1920s and '30s buildings.

The design and detailing of the proposed front doors are unclear. The proposed doors are positioned further forward, partially infilling the storm porch. Their design is vital in preserving the character of the house so further information on their design and materiality is needed.

Whilst improvements have been made, an objection is raised as the proposals are still considered to detract from the character and appearance of the Conservation Area and are harmful to its significance. The harm is "less than substantial" as per paragraph 196 of the NPPF. Regard should also be given to paragraph 193 of the NPPF which affords great weight to the conservation of heritage assets and section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 under which special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

If the fenestration on the front elevation remained unaltered and the design and materiality of the proposed front doors were sympathetic, then the objection may be overcome.

Officer comment: Amended plans were received during the course of the application amending the fenestration detail. The Conservation Officer was re-consulted and the following comments were received:

The revisions address previous concerns so I would not raise an objection. The fenestration design is retained, and the realignment of the windows on the right hand side of the front elevation is an acceptable change.

4.1.2 Moor Park 1958: (Objection)

The Directors of Moor Park (1958) Limited would wish to raise strong objections, concerns and comments on the application proposals.

While we note that amendments have been made in the current application, compared to the one withdrawn under ref 20/2463/FUL, we consider these are, in effect, only a minor tinkering with the scheme and hence regrettably do not amount to meaningful changes to take proper account of the material planning objections expressed in regard to the previous scheme, both by the Council's own Conservation Area expert and ourselves.

In our opinion the clear provisions contained within paragraphs 2.7, 3.1, 3.4 and 3.7 of the approved Moor Park Conservation Area Appraisal (MPCAA) are directly relevant to the application and are therefore material planning considerations. Consequently, we would formally request that the Council has full regard to these issues in its determination of the application.

In terms of our detailed responses, our strong objections and comments are as follows:-

1. Paragraph 3.1 of the approved Moor Park Conservation Area Appraisal (MPCAA) very clearly states that the Council "will give high priority to retaining buildings which make a positive contribution to the Conservation Area" and that, as a guide, the Council will seek the retention (and suitable protection) of buildings erected prior to 1958. In addition, paragraph 2.7 of the MPCAA affirms that the buildings on the Moor Park Estate that make a "positive contribution" to the Conservation Area will be those "examples of relatively unaltered buildings where their style, detailing and building materials are characteristic of the conservation area".

From the previously submitted Heritage Statement we are told that the house ".....was built in the late 1920's early 1930's....."

On this basis it is one of the original "founding" properties on the estate and consequently justifies the highest level of protection commensurate with the scarcity of such buildings within the designated Conservation Area.

It is also noted that the comments of the Council's expert Conservation Officer (in regard to the previous withdrawn application), included as follows:

"No. 30 is a relatively unaltered example of an early house within the Conservation Area. It retains details and features of architectural merit including an attractive four-pointed archway entrance, original fenestration pattern (to the front elevation) and materials typical of the 1920s/30s development within the area. The building is considered to make a positive contribution to the Conservation Area, as per paragraph 2.7 of the Character Appraisal."

In light of these factors, and the clear terms of para 2.7 and para 3.1 of the MPCAA, the dwelling demands full retention and protection by the Council in the assessment and determination of this application.

This is essential to retain buildings of this age in order to preserve and enhance the character and appearance of the designated Moor Park Conservation Area and the positive contribution the existing dwelling makes therein.

Taking regard of the full extent of the proposed works, including:-

- i. the two side extensions on both flanks (at ground floor, first floor and roof level) – that "cover/enclose" the entire lengths of both flanks, AND

- ii. the entirely new (and substantial) rear elevation (again at ground, first and roof level) that “covers/encloses” the full width of the existing dwelling, AND
- iii. the substantial change to the majority of windows in the front elevation, AND
- iv. the comprehensive extent of internal demolitions and alterations on both ground and first floor,

we contend that, to all intents and purposes, the submitted application entirely engulfs/subsumes the existing dwelling and is therefore tantamount to the effective material replacement of this pre58 dwelling in the Moor Park Conservation Area.

The Council will be very aware of similar cases elsewhere in the Conservation Area in the recent past which, although showing some small parts of the original dwelling as being “retained”, have actually resulted in demolition and full replacement upon implementation of the development.

Indeed, as Senior Planning Officers of the Council will be aware, we have previously received very clear commitments in writing from the then Council’s Chief Executive over the heightened levels of scrutiny and assessment we can expect such schemes to receive from the Council. We firmly believe that this scheme is exactly the type of development (and the threat to/effective loss of, a pre58 dwelling) that triggered our previous complaints and subsequent correspondence with, and reassurances from, the then Chief Executive.

While we accept that each case must be assessed and decided on its own merits, the parallels here are all too clear to see and imagine. Such negative and damaging outcomes must clearly be avoided in the future if the character and appearance of the important remaining pre58 dwellings, and the wider aspects of the designated Conservation Area, are to be properly safeguarded and protected.

We make this point having studied the submitted drawings and noted exactly how much new build is proposed and conversely exactly how little of the existing dwelling will remain if this scheme were to proceed.

In our overall view, and as previously stated, the material extensive harm to and almost complete ‘loss’ of all elevations of this existing dwelling is demonstrably unacceptable in planning terms, by virtue of the fact that this is an important pre58 dwelling that makes a positive contribution to the character and appearance of the Conservation Area.

Furthermore, irrespective of whether our contentions of this scheme being tantamount to a “replacement dwelling” are accepted or not, in our opinion, the resultant manner in which the proposed development totally overwhelms, and comprehensively over-dominates the original/existing dwelling, demonstrably fails to respect, protect or preserve the scale, character and appearance of this important pre58 dwelling and further materially harms the positive contribution that the dwelling makes in the designated Conservation Area.

There is nothing “subservient” or respectful about how the proposed development relates to the scale, proportions, character or features of this important original pre58 dwelling.

In our opinion, our concerns are substantially reinforced by the comments made by the Council’s Conservation Officer, under the previous application, that said:

“The proposed extensions and alterations to the building are not sympathetic and do not preserve or enhance the character or appearance of the Conservation Area. The changes to the fenestration, changes in materials, erection of a portico style porch obscuring the existing brick archway, loss of the chimney and the scale of the extensions fundamentally alter and undermine the appearance of the building, obscuring its historic form and character. The positive contribution the building currently makes to the Conservation Area will be lost. An

objection is raised as the proposals are considered to detract from the character and appearance of the Conservation Area and are harmful to its significance”.

Given how little has changed between the withdrawn scheme and this current latest application, it is our view that the material objections remain in full force.

Hence the proposed development should be very robustly opposed by the Council and refused planning permission.

Our further comments, as below, deal with matters of detail, and other specific shortcomings, and hence we wish to make clear that these should not be taken as any weakening of our strong in-principle objections.

2. We have calculated that the proposed plot coverage in the submitted scheme is approx 17%, which of course is clearly above the maximum of 15% as set out in para 3.4 of the approved MPCA.

In the interests of maintaining and preserving one of the key aspects that defines the character and appearance of the Moor Park Conservation Area in terms of the openness and the generally low level of development on individual plots, we would ask that the Council has full regard to the provisions of para 3.4 of the MPCA in the assessment and determination of this application. As part of this we would respectfully ask that the exact dimensions/measurements of the site be closely assessed on site.

Furthermore, it is our view, in light of the above, it is entirely appropriate that the removal of all residential permitted development rights should be secured by planning condition.

3. Paragraph 3.7 of the MPCA says that “where acceptable (note - effectively only at the rear of dwellings as in the current application), dormer windows of good proportions and balance should appear subservient to the roof, placed well down from the main ridge and should have smaller windows than the main fenestration (as a guide, not more than two thirds the latter's height and width).”

While we consider that the centre one of the three proposed rear dormers generally complies with the provisions of the MPCA on this occasion, we consider that the size/bulk of the outer two dormers (that are set within the proposed new hip roofs on the rear elevation) should be reduced in width and height in order to be more subservient to the respective hip roof slopes.

In addition, para 3.7 of the MPCA also specifically stresses that “rear dormers should not impair the privacy of neighbours ”. Consequently, we would request that the Council also ensures that this aspect of the MPCA is fully respected and taken into account in the determination of the scheme.

4. Finally, and for the avoidance of doubt, we shall seek Member support to call in the application for decision by the Planning Committee if the Council's officers are minded to recommend the application favourably, on the basis of the substantial harm that would be caused by the scheme to the pre58 dwelling and the wider Conservation Area and the extent by which it fails to accord with local planning policies and the adopted MPCA.

4.1.3 Herts Ecology: (No objection)

The application site is a detached two storey dwelling with flat roofed garage. There is a small area of wall hung tiles. The property is in a leafy part of Moor Park / Northwood, opposite the wooded banks of the railway line, with the mixed habitats of Sandy Lodge Golf Course Local Wildlife Site beyond. The habitats will provide foraging /dispersal habitats for bats, and there are records of bats roosting in buildings in the area.

I am pleased to see a bat report has been submitted with this application – Preliminary Roost Assessment Survey (Arbtech, 2020). A daytime inspection was carried out on 16 October and no bats or no evidence of bats was found. The property was assessed to have negligible potential to support roosting bats and no further surveys are considered necessary.

There are trees and shrubs on site, and I understand two or three are proposed for removal. Care should be taken to avoid impact to nesting birds.

Based on the information provided, I advise the Recommendations (for bats and nesting birds) in Table 8, pages 13-14 of the bat report are followed.

4.1.4 Landscape Officer: (No objection)

Approval, subject to condition: A final version of the 'draft' tree protection method statement should be required by condition. Details of replacement tree planting, to mitigate the proposed tree removals, should also be required.

4.1.5 National Grid: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 4 No of responses received: 1 objection

4.2.2 Site Notice: 04.03.2021 Press notice: Expiry 12.03.2021

4.2.3 Summary of Responses:

The deepening and moving of the 1st floor windows. The effect of these changes would be to degrade the balance of the house - the moving of windows will require new exposed brickwork which would be hard to blend in with the existing brickwork, while the depth of the proposed windows would no longer match the depth of the exposed brickwork.

The proposed side window in the dining room extension would look directly into the garden of no.28 when it becomes necessary to replace the mature trees in the garden of no.28

The proposed rooflights are incorrectly described in the Heritage Statement as "rear facing rooflights" but it is obvious from the plans that they are side facing, the outer roof lights would look directly into the gardens of nos.28 & 30, especially when it becomes necessary to replace or reduce the height of the mature trees in the garden of no.28.

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

6.2 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".

6.3 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.

6.4 The Three Rivers Local Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM13 and Appendices 2 and 5.

The Moor Park Conservation Area Appraisal (2006).

6.5 Other

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

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

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

7 Planning Analysis

7.1 Due to the on-going Coronavirus pandemic and the current social distancing measures in place no site visit was undertaken by the Case Officer. However, the officer had recently visited the site in respect of a pre-application in December 2020. Other platforms such as Google Maps and Google Street View was also used to aid the Officer's assessment. It is considered that the information received and use of other technological platforms has enabled the LPA to assess the application.

7.2 Impact on Character and Street Scene

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.2.2 The host dwelling is located within the Moor Park Conservation Area and therefore Policy DM3 of the Development Management Policies LDD is relevant. This advises that development will only be permitted where it is of a design and scale that preserves or enhances the character or appearance of the area. The Moor Park Conservation Area Appraisal is also relevant and sets out specific guidance in order to preserve the special character of the area. Paragraph 2.7 of the Appraisal document relates to buildings which make a positive contribution to the Conservation Area and defines these as the following:

These buildings will be examples of relatively unaltered buildings where their style, detailing and building materials are characteristic of the conservation area. Occasionally, more "individual" buildings of particular style or materials would also be considered to make a positive contribution.

7.2.3 The host dwelling is considered to be a relatively unaltered example of an early house within the Conservation Area. The Conservation Officer considers that in its current form, it retains details and features of architectural merit including an attractive four-pointed archway entrance, original fenestration pattern (to the front elevation) and materials which are typical of the 1920's and 30's development within the area. As such, it is considered to make a positive contribution to the character and appearance of the Conservation Area.

7.2.4 Concern has been raised that the development would result in a significant amount of demolition to the existing dwelling and that the extensions would largely subsume the dwelling in its current form. In response, it is acknowledged that the applicant is seeking to undertake large extensions to the existing dwelling and in particular the rear elevation and the original pitched roof form would be largely altered. However, the floor plans and elevations indicate that the front wall with its current detailing and external finishes and a large number of internal walls would be retained. Whilst Moor Park 1958's concerns are acknowledged, it is not considered that the proposals would result in substantial demolition and there would be a number of enhancements to the Conservation Area as a result of the development which will be discussed in more detail below. To ensure that the amount of demolition would not go beyond what has been indicated, a pre-commencement condition requiring the submission of a construction method statement is considered to be reasonable and necessary.

7.2.5 It is also emphasised that the Conservation Officer considers that the proposal in its current amended form better retains the appearance of the original house; retaining the materiality, chimney and brick archway to the storm porch. It is acknowledged that the existing storm porch would be partially infilled, however, as commented, it would retain the attractive brick archway, with the entrance remaining set back relative to this detailing. The Conservation Officer notes that the detailing of the proposed front door is unclear, and its design would be vital in preserving the character and appearance of the host dwelling. It has been confirmed that such detail can be secured via a condition and thus no objection is raised in principal. In acknowledgement of the importance of the storm porch and brick archway, it is suggested that a condition removing permitted development rights in respect of porches is added to any consent.

7.2.6 The original plans indicated significant alterations to the fenestration detail to the front elevation which included lowering the cil heights of the existing first floor windows. The Conservation Officer raised significant objections to this aspect of the development considering that such changes would unacceptably alter the original appearance of the dwelling and undermine the contribution it makes to the Conservation Area as a relatively unaltered survival of its 1920s and '30s architecture. In response, the applicant has provided amended plans which indicate that the cil heights of the first floor front windows would not be altered, thus retaining this important architectural detailing. The Conservation Officer has confirmed that they raise no objection to the revised plans, and also emphasises that the realignment of the windows on the right hand side of the front elevation is an acceptable change.

- 7.2.7 The applicant is also seeking to construct part single storey and part first floor side extension to both sides of the existing dwelling. The Moor Park Conservation Area Appraisal advises the following in relation to such developments:

A minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevations, subject to a distance of not less than 1.5m being kept clear between flank walls and plot boundaries'.

- 7.2.8 In this case, the development would result in an increase in spacing to the boundaries as the result of the demolition of two existing structures which currently sit in close proximity to both boundaries. A distance of 1.5m would be retained to the boundary with no.32 and a distance of 4.2m would be retained to the boundary with no.28. This would equate to a plot width coverage of 73.6% which would be in accordance with the guidance within the Moor Park Conservation Area Appraisal. As such, it is viewed that the proposals represent an enhancement to the Conservation Area given that openness between built form and plot boundaries is a key attribute to the special character of the area.

- 7.2.9 The Moor Park Conservation Area Appraisal also provides further guidance relating to plot coverage to ensure that the spacious character of the area is retained. Paragraph 3.6 of the Appraisal document states the following:

Buildings, including all out buildings (garages, car ports etc.), should not cover more than 15% of the plot area. The building cover includes any areas at first floor level which overhang the ground floor or any built areas at basement level where these extend beyond the ground floor.

- 7.2.10 In this case, Moor Park 1958 calculate the plot coverage to be 17% whilst officers have calculated that the proposed development would result in a plot coverage of approximately 14.7% (including the footprint of the small outbuilding indicated on the block plan) ; therefore in accordance with the guidance set out in the Appraisal. The purposes of this guidance is to ensure that spaciousness within the Conservation Area is maintained. In this case, it is considered that given the siting of the extensions, that there would be no impact on this key attribute and that the development would in fact open up space round the dwelling which would represent an enhancement. In order to retain the spaciousness of the area, it is considered necessary to add a condition removing permitted development rights in respect of Classes A and E. This will allow the LPA to consider the impact of further development on the plot in the future

- 7.2.11 The proposals also include the provision of a two storey rear extension and loft conversion with rear dormer windows. However, it is not considered that the proposed two storey rear extension would result in significant demonstrable harm to the character of the host dwelling or wider Conservation Area. In terms of design, the extension would take the form of two separate hipped roofed projections; thus ensuring that the traditional pitched roof form of the original dwelling is retained. In addition, the proposed development would result in the removal of the existing side dormer window which is not considered to enhance the appearance of the original dwelling. .

- 7.2.12 With regard to the proposed rear dormer windows, Appendix 2 of the Development Management Policies LDD advises that dormer windows should be subordinate to the roof form; they should be set down from the ridge, in from both sides and back from the planes of the existing roof slope. In this case, concern was raised by officers that the originally proposed two, three casement windows in the rear of the side extensions appeared too wide. In response, the amended plans reduce the size of these dormers to two, double casement windows which make them appear more subordinate. The central dormer window would be a three casement window, but would appear subordinate to the roof form on which it is located. It is not considered that the dormers would add significant bulk to the dwelling and would not result in demonstrable harm to the character and appearance of the Conservation Area. It is noted that the original plans included two rooflights in the outer

flank roofslopes of the rear extensions. Concern was raised that these would be visible from certain public view points which would be contrary to the guidance within the Appraisal document. In response, the applicant has removed these from the submitted plans. There are two rooflights still indicated, however, they would not be visible from any public vantage point and as such, no objections are raised in this regard.

7.2.13 In summary, given the amendments made, it is considered that the development would retain the architectural detailing of the existing dwelling, and further would result in an enhancement of the area by opening up space around the dwelling. It is acknowledged that the existing dwelling make a positive contribution to the character and appearance of the Conservation Area, and as such a pre-commencement condition requiring the submission of a construction method statement is considered to be key. In addition, details of the external finishes (including doors and windows) to be submitted, the development is considered as acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the provisions of the Moor Park Conservation Area Appraisal.

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that 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 advises that development should not be unduly prominent.

7.3.2 The applicant is seeking to demolish the existing single storey detached garage adjacent to the boundary with no 28 and is proposing the provision of a part single storey, part first floor side extension. The plans indicate that extensions would be set in from the common boundary by approximately 4.2m which is considered ample to prevent any harm to this neighbour, particularly as the plans indicate that the height of the extension would appear subordinate to the main ridge of the dwelling. Furthermore, the roof form of this element would also be hipped which further minimises the bulk of the development and prevents it from appearing unduly overbearing.

7.3.3 In addition, the existing flat roofed garage adjacent to the boundary with no.32 would also be demolished and a part single, part first floor side extension is proposed. In this instance, the plans indicate that the extension would be set in from the boundary by 1.5m and given the neighbouring dwelling is also set in from the boundary with its rear wall set back relative to the host dwelling, the extension would not appear unduly overbearing and would not result in any loss of light.

7.3.4 To the rear, a two storey extension is proposed. Appendix 2 of the Development Management Policies LDD states the following with regard to the assessment of such extensions:

Rear extensions should not intrude into a 45 degree splay line drawn across the 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 the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties

7.3.5 The submitted block plan indicates that there would be no intrusion of the 45 degree line when taken from the boundary with no.32 as this neighbouring dwelling is already set back slightly relative to the application dwelling. As such, it is not considered that the development would result in a loss of light and would not appear overbearing. The development must also be assessed with regard to no.28. It is noted that the full extent of this dwelling has not been indicated on the submitted block plan. However, given that this dwelling is set away from the boundary with a garage structure located immediately adjacent to the boundary

with the host dwelling, it is not considered that the development would result in any demonstrable harm. Furthermore, the design of the extensions with hipped roof form further minimises the additional bulk and massing.

- 7.3.6 The neighbouring dwelling at no.28 has raised concern that the proposed new dining room window would overlook the amenity space serving their dwelling. These concerns are noted, however, this is a ground floor window and set in from the common boundary by a distance in excess of 4m and there is mature vegetation located on the boundary. As such, it is not considered that there would be significant harm to the residential amenity of this neighbour
- 7.3.7 The applicant is also seeking permission for a loft conversion including the addition of three rear dormer windows. It is acknowledged that these windows would have outlook over the rear gardens of both neighbouring dwellings, however, given their size and siting, it is not considered that they would result in significantly increased harm relative to the existing situation as a result of the first floor windows. The plans indicate that the dormer windows would be located approximately 9m from the boundary with no.28 and approximately 6m from the boundary with no.32. The neighbouring dwelling, no.28 did raise concern with regard to overlooking from the flank rooflights, however, it is noted that these have now been removed from the amended drawings.
- 7.3.8 There would be no impact to neighbours to the rear of the site, given a back to back distance of approximately 54m would be achieved between dwellings, thereby would exceeding the recommended distance of 28m as set out in Appendix 2 of the Development Management Policies LDD. There are no residential neighbours opposite the site that would be affected by the development.
- 7.3.9 In summary, subject to conditions preventing the addition of any additional windows at first floor level, the development is viewed to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Amenity Space Provision for future occupants

- 7.4.1 Appendix 2 of the Development Management Policies LDD sets out the required standards for amenity space provision and states that 126 square metres would be required for a five bedroom dwelling. In this case, a rear amenity exceeding 600square metres would be retained which is sufficient for a dwelling of this size

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 host dwelling is located in a leafy part of Moor Park opposite the wooded banks of the railway line with the mixed habitats of Sandy Lodge Golf Course in close proximity. There are also records of bats roosting in buildings within the area. In this case, the application has been accompanied by a Preliminary Roost Assessment Survey; which found no bats or evidence of bats. It was concluded that the existing dwelling had negligible potential to support roosting bats and no further surveys were considered necessary. Herts Ecology

have been consulted and confirm that they raise no objection, although advise that the recommendations within the submitted survey should be followed.

- 7.5.4 The Ecology Officer also notes that a number of trees are proposed for removal and care should be taken to avoid impact to nesting birds. An informative shall be added reminding the applicant of the bird nesting season.

7.6 Trees and Landscaping

- 7.6.1 Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

- 7.6.2 The Landscape Officer has been consulted and has raised no objection to the development. However, it is noted that a number of draft documents have been submitted and thus it would be necessary to add a pre-commencement condition requiring the submission of a tree protection scheme and arboricultural method statement, to ensure the LPA is able to approve the full details of how the trees to be retained would be protected, and how the development would be implemented using techniques which minimise damage being caused to retained trees. The Landscape Officer also notes that a condition requiring details of tree planting should be added to the consent to mitigate the proposed tree removals. Whilst the Landscape Officer's comments are acknowledged, it is noted that the three trees to be removed have been given consent for removal under 20/2718/TCA and thus can be removed regardless. As such, it would be unreasonable to require replacement planting as a condition of the current application.

7.7 Highways, Access and Parking

- 7.7.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Policy DM13 and Appendix 5 of the Development Management Policies LDD advises on off street car parking requirements. Appendix 5 of the Development Management Policies LDD requires a dwelling with four or more bedrooms to have three off street car parking spaces.

- 7.7.2 In this case, the two existing areas of hardstanding to the frontage would be retained and therefore there would be provision for two off street car parking spaces to the front. The existing four bedroom dwelling already has an existing shortfall of one space, as it would be difficult to fit a modern vehicle into the existing garages. As such, there would be no increase in the overall shortfall on site and thus no objection is raised in this regard

8 **Recommendation**

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

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TS14-40G\1, TS14-410G\2, TS14-410G\3, TS14-410G\4, TS14-410G\5, 2595-S1 001 E, 2595 EL 001 E, 2505 PL001 E.

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

- C3 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

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

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

- C4 No development or other operation shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. This Construction Method Statement shall include details of how the development, , can take place whilst retaining existing walls shown on approved plans The development shall only be implemented in accordance with the approved Construction Method Statement.

Reason: To ensure that the original pre-1958 dwelling is retained in accordance with the Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

- C5 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials including a full specification with regard to the proposed windows and front door 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 Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

C7 Class A - enlargement, improvement or other alteration to the dwelling

Class D- erection of a porch

Class E - provision of any building or enclosure

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 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 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.
- 14 The applicant is encouraged to consider the proposed enhancements as identified in Table 8 of the submitted Preliminary Roost Assessment Survey by ARBTECH.
- 15 The applicant is reminded that the removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be made no more than 3 days in advance of vegetation clearance and if active nests are found, the location should be cordoned off (minimum 5m buffer) until the end of the nesting season and/or works should stop until the birds have fledged