

## PLANNING COMMITTEE – 27 MAY 2021

### PART I - DELEGATED

**11. 21/0642/FUL - Demolition of existing dwelling and construction of replacement three storey dwelling and basement level accommodation, raised terrace to rear, front balcony and swimming pool to rear at 45 GALLOWS HILL, ABBOTS LANGLEY, WD4 8PG**

(DCES)

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 12.05.2021

Ward: Gade Valley  
Case Officer: Scott Volker

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: The application is brought to Committee as the planning agent is a District Councillor.

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

1.1 W/1151/65 – Addition to bungalow and single storey garage - Permitted July 1965 and implemented.

1.2 01/00877/FUL - Single storey rear extension – Permitted August 2001 and implemented.

1.3 16/2591/FUL - Increase in ridge height to create two storey dwelling with gabled front and rear elevations and accommodation in roofspace served by rooflights, single storey and lower ground floor rear extensions, single storey side extension, front porch, raised patio to rear and extension of vehicular access – Refused June 2016 for the following reason:

R1 The proposed development by virtue of its size, scale, design and proximity to the flank boundary would result in overdevelopment of the dwelling which would result in a dominant, contrived and unduly prominent feature within the street scene to the detriment of the visual amenities of the area. The proposal would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R2 The proposed increase in ridge height with gable ends would result in an overbearing and dominant form of development to the neighbour at No.47 Gallows Hill and the proposed fenestration and raised terrace would result in actual and perceived overlooking to neighbouring dwellings. The development would therefore be unneighbourly and detrimental to the residential amenity of neighbouring occupiers and would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R3 The proposed development would fail to provide a safe and adequate means of access and would adversely affect highway safety and would therefore be contrary to Policy CP10 of the Core Strategy (adopted October 2011).

1.4 17/0914/FUL - Increase in ridge height to create two storey dwelling with accommodation in roofspace served by rear dormer and rooflights, single storey and lower ground floor rear extensions, single storey side extension, front porch, raised patio to rear and extension of vehicular access – Permitted June 2017; not implemented.

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

2.1 The application site is a rectangular plot of approximately 980sq. metres located on the western side of Gallows Hill.

- 2.2 The site comprises a detached bungalow finished in white painted render and with a hipped roof form. The dwelling is set back from the highway by approximately 12 metres with off-street parking for three cars to the frontage. The site levels reduce significantly towards the rear of the site.
- 2.3 The street scene is mixed and consists of varying semi-detached, terrace and detached two-storey dwellings and bungalows. The application dwelling is a detached bungalow which has been previously extended through the erection of a single storey rear extension. Abutting the rear elevation of the application dwelling is a raised decking area which steps down into the private amenity space. The amenity space is enclosed by a mix of close-boarded timber fencing, brick walls and hedging.
- 2.4 The two neighbouring properties either side of the application dwelling are two-storey detached dwellings. 47 Gallows Hill to the north has benefitted from a single storey rear extension and a roof extension involving hip-to-gable end extension and including a rear dormer window. This neighbouring property is set forward of the application dwelling and closer to the highway and as such the rear elevation of the application dwelling is set approximately 4 metres deeper than this neighbour. This neighbour is off-set approximately 3 metres from the shared boundary with the application site.
- 2.5 43 Gallows Hill is located to the south has benefitted from a loft conversion including hip-to-gable extension and rear dormer. This neighbour has not benefitted from any visible extensions to the rear and the application dwelling projects approximately 2 metres deeper than this neighbour. This neighbouring property is off-set from the shared boundary by approximately 2 metres.

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

- 3.1 Full planning permission is sought for the demolition of the existing dwelling and construction of a replacement three storey dwelling and basement level accommodation, raised terrace to rear, front balcony and swimming pool to rear. The replacement dwelling would contain five bedrooms.
- 3.2 The dwelling would be of modern design with flat roof forms and would comprise of multiple blocks of varying external materials including facing brickwork, painted render, zinc cladding, exposed concrete and aluminium framed glazing. The dwelling would have a maximum width of 10.3 metres and a maximum depth of 20.5 metres which includes a 3.2 metres deep front porch and a 2.1 metre deep lower ground level projection. The dwelling would be set in from the east boundary by 1 metre at both ground and first floor level and on the opposite side the dwelling would be built in close proximity to the boundary at ground floor level and 1.1 metres at first floor level. The dwelling would have a height of 8.6 metres.
- 3.3 The main dwelling would be set back approximately 9.7 metres from the highway – the front projection porch would be set back approximately 6.5 metres. The frontage would comprise of a driveway which would accommodate three off-street parking spaces. When viewed from the front the dwelling would appear as a three storey building however the dwelling would include habitable accommodation at lower ground level and due to the changing levels from front to the back of the site the lower land level would be visible and the dwelling would appear as a four storey dwelling when viewed from the rear. Abutting the rear of the dwelling would be a patio area and an outdoor swimming pool.
- 3.4 As you enter the proposed dwelling at ground floor level the building would contain two reception rooms, kitchen and dining area, family room and boot/utility rooms. There is internal access down to the lower ground floor level where a store, cinema room, garden room, shower and W/C are located. The bedrooms would be located on the first and second floor. At second floor level an outdoor terrace/balcony area is proposed to the front.

### **4 Consultation**

## 4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: No comment.

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

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

Highway Informatives:

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

AN 1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

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

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

Comments:

The proposal is for the demolition of the existing dwelling and construction of replacement three storey dwelling and basement level accommodation, raised terrace to rear, front balcony and swimming pool to rear at 45 Gallows Hill, Abbots Langley. Gallows Hill is a 30 mph classified C, local distributor route that is maintained at public expense.

Vehicle Parking and Access:

The existing dwelling has two access points either side of the dwelling. The northern access is shared with the neighbouring property, while the southern access is part shared with the other adjacent property owing to the two separate dropped kerbs in use making it part shared. The proposal is stating that these existing dropped kerbs will be maintained and unaltered while the access area will be widened to increase car "site lines". The existing accesses are deemed adequate for the newly proposed dwelling. It is deemed that the hardstanding to the front will be slightly reduced in size. HCC Highways observes that the dropped kerbs will not be altered which is seen as the best option. Parking is a matter for

the Local Planning Authority (LPA). However, HCC Highways would comment that the applicant has stated that 4 cars can park within the site but has only illustrated 3 parked vehicles within drawing 1147 SK 801.

**Refuse / Waste Collection:**

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

**Emergency Vehicle Access:**

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

**Conclusion:**

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

**4.1.3 Network Rail: [No comments to make]**

If there are no works proposed for within 30m of the railway boundary (including no soakaway works) and if there are no changes to the railway boundary then there are no comments.

Officer comment: The proposed development is not located within 30 metres of the railway boundary.

**4.1.4 Thames Water: [Comments Received]**

**Waste comments:**

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement." Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

#### Swimming Pools:

Where the proposal includes a swimming pool, Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools into a public sewer to prevent the risk of flooding or surcharging: - 1. The pool to be emptied overnight and in dry periods. 2. The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Water comments:

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 7

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

4.2.3 Site Notice: Posted 20.03.2021 Expired: 12.04.2021

4.2.4 Summary of Responses: N/A

## **5 Reason for Delay**

5.1 Committee cycle

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

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

In 2019 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

### **6.2 The Three Rivers Local Development Plan**

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

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

### **6.3 Other**

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

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

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

## **7 Planning Analysis**

### **7.1 Principle of Demolition**

7.1.1 The application site does not lie within a Conservation Area and the existing building is not a Listed or Locally Listed Building. As such, there are no overriding policy requirements to retain the existing dwelling.

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

7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy states that development should 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.

7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area. To avoid a terracing effect and maintain an appropriate spacing between properties in character with the locality, development at first floor level should be set in from flank boundaries by a minimum of 1.2 metres. This distance must be increased in low density areas.

7.2.3 Policy DM1 and Appendix 2 also set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.

7.2.4 The proposed replacement dwelling would be of an alternative modern architectural design to that normally found within the surrounding area. The dwelling would comprise of block forms of varying sizes comprising of a mix of external material choices. Paragraph 131 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

7.2.5 The street scene of Gallows Hill and the surrounding area is somewhat varied containing a mix of dwelling design and character as highlighted by the existing application dwelling which is a bungalow set within a row of two storey detached and semi-detached dwellings. However, there is an apparent uniformity with dwellings generally having traditional tiled pitched roof forms. The indicative street scene details that the proposed height of the replacement building would result in the dwelling having a height that would be relatively uniform with the ridge heights of the neighbouring properties.

7.2.6 Notwithstanding the acceptability of the height of the replacement dwelling, the proposed width, depth and overall design of the building including the flat roof forms result in a dwelling that has significant bulk and mass. Whilst a dwelling of modern contemporary design in itself is not objected to in this street scene, the depth of the building particularly at first and second floor at 11.4 metres would be significantly deeper than neighbouring properties which have a depth of approximately 6.5-7 metres. In addition, the dwelling would be set in 1 and 1.1 metres from the flank boundaries which would be contrary to the Design Criteria contained at Appendix 2 which requires 1.2 metres and would therefore fail to maintain appropriate spacing between the built form and boundaries. This excessive depth at upper floor levels, the significant bulk and massing from the block design and failure to maintain appropriate spacing to the boundaries is considered to result in overdevelopment of the plot and result in a dominant, excessive and prominent form of development which would have a detrimental impact on the character and appearance of the street scene.

- 7.2.7 When viewed from the rear the proposed dwelling would include a 2 metre single storey rear projection at ground floor level and a lower ground floor level which would project a further 2 metres. Whilst these elements would not be readily visible from public vantage points along Gallows Hill and would therefore not impact on the street scene, these elements coupled with the inclusion of the first and second floor levels and the extent of glazing contained within the rear elevation results in the dwelling having the appearance of a four storey building and emphasises the overdevelopment of the site.
- 7.2.8 The proposed swimming pool and terrace area would be located to the rear of the property and at a lower land level. Thus these elements would not be visible from Gallows Hill so would not impact on the character and appearance of the street scene.
- 7.2.9 The inclusion of a balcony/terrace area at second floor level is also an uncharacteristic feature within the street scene.
- 7.2.10 Whilst some aspects of the proposed development are considered acceptable in themselves, the proposed replacement dwelling would represent significant overdevelopment of the site and an excessive and prominent feature within the street scene and area that would be detrimental to the visual amenity contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

### 7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that two storey development should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. 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. Development should not incorporate balconies, or first floor conservatories which overlook neighbouring properties to any degree.
- 7.3.2 In relation to 47 Gallows Hill, while not indicated on the proposed site plan, this neighbour has benefited from a single storey rear extension which does not have any flank glazing and measures approximately 4 metres in depth. The first floor and above of the replacement dwelling would not intrude on a 45 degree splay line from a point of the joint boundary level with the ground floor rear elevation of this neighbour. However, there would be an intrusion of approximately 2.3 metres of a 45 degree splay line taken from a point on the boundary level with the main rear elevation of this neighbour. 47 Gallows Hill is to the north of the application site, and when considering the orientation and the excessive depth and additional bulk and massing of the proposed dwelling, it is considered that the resultant development would become an overbearing, unneighbourly and dominant form of development to the detriment of the residential amenities of this neighbour.
- 7.3.3 With regard to the 43 Gallows Hill, this neighbour has not been previously extended at ground floor level and the application dwelling as existing extends 2 metres deeper than this neighbour. The proposed dwelling at first floor and above would be built roughly in-line with the rear elevation of 43 and as such would not intrude on a 45 degree splay line and therefore would not result in any loss of light to the glazing at ground or first floor level of this neighbouring property. This neighbour does contain flank glazing and a door facing towards the application site, however the window serves a stairwell and the door serves a kitchen which benefits from primary light source from the glazing within the rear elevation. As such it is not considered that the proposed development would cause any harm in terms of loss of light or becoming overbearing to this neighbour.

- 7.3.4 The lower ground level element, would be set within the existing land levels of the application site and underneath the proposed ground floor extension and as such is not considered to have an adverse impact on neighbouring properties through loss of light. However, the roof of this element would be used as a raised patio area. Whilst, the application site and surrounding neighbouring properties have existing raised patios and terraces resulting in a mutual level of overlooking as a result of the land level changes, the patio above the lower ground floor would extend deeper into the application site than the existing patio and significantly increases the facilitation of overlooking into neighbouring properties to an unacceptable degree, particularly given the relationship of the application dwelling with 47 Gallows Hill.
- 7.3.5 The proposal includes a raised balcony at second floor level within the front elevation of the replacement dwelling. The balcony would be set forward of the principal elevations of 43 Gallows Hill Lane and properties beyond. The balcony would overlook the frontages of the site and those neighbouring properties located to the east. Whilst the balcony would not directly look into neighbouring windows it is still considered to be an unneighbourly feature.
- 7.3.6 In conclusion, the proposed development, by virtue of its siting, depth and height would result in an overbearing form of development to the detriment of the residential amenities of occupiers of 47 Gallows Hill and the proposed development would give rise to a significant increase in actual overlooking and the perception of overlooking towards both 43 and 47 Gallows Hill. The proposal would therefore be unneighbourly and fails to comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- 7.4 Amenity Space Provision for future occupants
- 7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.4.2 The proposed replacement dwelling would contain five bedrooms. The Guidelines set out that a five bedroom dwelling should provide 126sq. metres of amenity space. The existing private amenity space measures approximately 690sq. metres, which would be of a sufficient size to serve current and future occupiers of the dwelling.
- 7.5 Wildlife and Biodiversity
- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.5.3 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken. However, given the nature of the works an informative on any consent would advise the applicant of what to do should bats be discovered during the course of development.

## 7.6 Trees and Landscaping

7.6.1 The proposed development would not result in the loss of any trees.

## 7.7 Highways, Access and Parking

7.7.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out at Appendix 5 of said document.

7.7.2 The proposed development would result in the dwelling containing five bedrooms which the Parking Standards require three off street parking spaces. The frontage of the application site consists of a brick paved driveway which can accommodate three vehicles and therefore would accord with the Parking Standards.

7.7.3 The Highway Officer was consulted on the application and raised no objections on highway grounds to the proposed development. They did however suggest the inclusion of a number of highway informatives.

## 7.8 Sustainability

7.8.1 Paragraph 93 of the NPPF states that "Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure".

7.8.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.8.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.8.4 The application is supported by a Sustainability Statement prepared by Spud Architects Ltd. which states that the proposed development would achieve the 5% savings and thus be compliant with Policy DM4. The statement details various measures which will be implemented into the scheme to achieve the savings such as solar water heating and energy efficient boilers. A condition would be attached to any consent to ensure that the development would be implemented in accordance with the Sustainability Statement.

## 7.9 Flood Risk and Drainage

7.9.1 Policy DM8 of the Development Management Policies LDD states that development will only be permitted where it would not be subject to unacceptable risk of flooding; and would not unacceptably exacerbate risk of flooding elsewhere. Where practicable existing flood risks should be reduced.

- 7.9.2 The proposal includes a lower ground floor level and an outdoor swimming pool. The application site is not within a flood zone. Thames Water were consulted on the application and commented that the site and surrounding area is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such they raised no objection.
- 7.9.3 With regards to the swimming pool Thames Water requested that conditions are attached to any consent with regard to the emptying of the swimming pool into a public sewer to prevent the risk of flooding or surcharging. Other matters raised by Thames Water will be address by Building Control and fall outside the remit of planning.

## **8 Recommendation**

8.1 That PLANNING PERMISSION BE REFUSED for the following reason(s):

- R1 The proposed replacement dwelling by virtue of its size, depth, design and siting would represent significant overdevelopment of the site and an excessive and prominent feature within the street scene that would be detrimental to the visual amenity of the area. The proposed development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- R2 The proposed development, by virtue of its siting, depth and height would result in an overbearing form of development to the detriment of the residential amenities of occupiers of 47 Gallows Hill and the proposed development would give rise to a significant increase in actual overlooking and the perception of overlooking towards both 43 and 47 Gallows Hill. The proposal would therefore be unneighbourly and fails to comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- I1 The Local Planning Authority has been positive and proactive in considering 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 encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and 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.