

PLANNING COMMITTEE – 18 NOVEMBER 2021

PART I - DELEGATED

6. **21/1822/FUL: Two storey rear extension, loft conversion with replacement roof including rear dormers and rooflights and extension to hardstanding to frontage at 51 ST MARYS AVENUE, NORTHWOOD, HERTS HA6 3AY (DCES)**

Parish: Batchworth
Expiry of Statutory Period:

Ward: Moor Park and Eastbury
Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: This application has been called in by three members of the Planning Committee for the following reason:

The Landscape Officer and BCC have lodged objections along with several other neighbours. Concerns relate to loss of a mature and substantial magnolia tree in the front garden by the creation of three parking spaces, negative impact on trees to the rear, neighbour amenity and flooding.

1 Relevant Planning History

- 1.1 No relevant planning history.

2 Description of Application Site

- 2.1 The application site consists of a two storey detached dwelling located on the western side of St Marys Avenue, Northwood. To the south of the host dwelling is a public footpath. The streetscene of St Marys Avenue generally consists of detached dwellings of varied size and architectural design. However, the host dwelling forms one of a group of three detached dwellings (including no.49 and 53) of a similar style. The three existing dwellings each have a pitched roof form, with two storey front projecting gables; all have a brick external finish. It is noted that the two other detached dwellings within the group have been previously extended to the rear.
- 2.2 To the front of the dwelling is an area of hardstanding with provision for one off street car parking space, with one further space also available within the integral garage. The remaining frontage is laid to lawn. The front boundary treatment consists of a low level brick wall with hedge.
- 2.3 To the rear of the dwelling is a large rear amenity space, with the boundaries generally consisting of mature vegetation. No.53 to the north has been previously extended with a two storey and single storey rear extension. In addition, no.49 to the south has also been previously extended to the rear with a two storey rear extension.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for a part single, part two storey rear extension, loft conversion with replacement roof including rear dormers and rooflights and extension to hardstanding to frontage.
- 3.2 The proposed two storey rear extension would have a depth of 4m closest to No. 53 and a depth of 4.4m closest to No. 49. The extension would extend for the full width of the existing host dwelling. The first floor rear wall would be flush, however, at ground floor level a central section 3.7m wide would project for an additional 2m depth. A replacement roof form is proposed which would extend over the roof form of the proposed two-storey extension. The

roof form would be hipped and would have a sunken crown element. There would be no increase in ridge height. The single storey rear projection would have a flat roof with a height of 3m.

- 3.3 Within the proposed roof form, two pitched roofed rear dormer windows are proposed. These would have a width of 1.5m, a height of 1.6m and a depth of 2m. Two flank roof lights are proposed to both flank roofslopes.
- 3.4 To the front, the existing integral garage would be converted, however, the garage doors would be retained to the front to serve a small store area.
- 3.5 The applicant is also proposing to extend the hardstanding to the frontage, such that the hardstanding would extend across the width of the frontage. The plans indicate an area of soft landscaping adjacent to the existing dwelling would be retained and that this would have an area of approximately 35square metres. Part of the front boundary wall would be removed to facilitate access to the driveway.
- 3.6 Amended plans have been received during the course of the application. The amendments are as follows:
- The two storey rear extension reduced to a minimum depth of 4m and a maximum depth of 4.5m, with a deeper single storey element proposed measuring 2m beyond the rear wall of the proposed two storey element.
 - Roof form revised to a sunken crown roof form.
 - Plans amended to specify a porous surface to the frontage.
 - Plans amended to specify that part of the front wall would be removed to accommodate car parking provision.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

Batchworth Community Council objects to this application on the following basis:

1. We ask the planners to ensure that the 1st floor level extension does not affect the quiet enjoyment and privacy of both neighbours which we think it does;
2. The application indicates no changes to the front landscaping whilst the proposed site plan indicates differently;
3. With this now being a 5 bedroomed house and due to the narrowness of St Mary's Avenue it is essential that they meet TRDC car parking requirements on site. The present application does not show this;
4. St Mary's Avenue is in the flood zone and has previously flooded. All works should account for this and TRDC need to ensure that with any consent there is an adequate drainage plan prepared and that this is implemented and signed off by Building Control.

4.1.2 Landscape Officer: [Initial objection withdrawn, no objection subject to condition]

The proposal, in particular the creation of three parking places, will impact negatively on a mature and substantial Magnolia tree located within the front garden, which currently provides significant amenity value and will be lost if the proposal goes ahead.

Trees to the rear of the property, indicated on the Existing & Proposed Site Plan ref. 5828/A100 but not mentioned elsewhere within the application also have the potential to be negatively impacted, by either root severance, direct damage to stem or crowns or compaction of the Root Protection Areas (RPA). No BS5837 (2012) Trees in Relation to Demolition and Construction has been provided, nor any Arboricultural Impact Assessment

or Root Protection Plan. It is understood that flooding is an issue at this location and the removal of trees and shrubs has the potential to exacerbate this. For the foregoing reasons we would object to the application

Officer comment: Further comments were received from the Landscape Officer withdrawing their initial objection and providing clarification:

Updated comments - The plans suggest there will be hard standing close to a mature Magnolia tree, but this already exists and is not new hard landscaping. The plans do though indicate that the hardstanding will be increased and it's likely the existing area will be resurfaced. A condition should be applied which requires a landscape plan, with some remedial soft landscaping, and a tree protection method statement outlining how retained trees will be protected during development.

4.1.3 Environment Agency: (No objection)

We have reviewed the information submitted and this development falls under our flood risk standing advice (minor development within the flood plain). Please note that all development in the flood plain requires a flood risk assessment which does not appear to be present as part of this application. See the links below for more information.

The proposed development falls within Flood Zone 2 and 3, which is land defined in the planning practice guidance as being at risk of flooding.

We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

Flood mitigation: The development lies within Flood Zone and falls under our FRSA (as above). The developer may wish to include additional measures to mitigate the impact of more extreme future flood events. Measures could include raising ground or finished floor levels and/or incorporating flood proofing measures. Further guidance on preparing properties for flooding can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.

Signing up for flood warnings: The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-forflooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Informative:

Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental> permits or contact our National Customer Contact Centre on 03702 422 549 or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Final comments: Thank you for contacting us regarding the above application. Our comments are based on our available records and the information submitted to us. Please quote our reference number in any future correspondence. Please provide us with a copy of the decision notice for our records. This would be greatly appreciated

4.1.4 London Underground: No comments received. Any comments will be verbally updated to the Planning Committee.

4.1.5 National Grid: No comments received. Any comments will be verbally updated to the Planning Committee.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 4 No of responses received: 5 objections received

4.2.2 Site Notice: 04.10.2021 Press notice: Expiry 28.07.2021

4.2.3 Summary of Responses:

- Disproportionate to the size and shape of adjacent properties. The scheme falls outside permitted development rights and should not be approved.
- Set a precedent for overdevelopment; out of character with St Marys Avenue.
- There are errors on the application form, the items ticked no under items 6, 7 and 8 should have been ticked as a yes due to the removal of flower bed and tree.
- Concerns regarding a loss of light. The first floor extension will result in a loss of light. The ground floor extension will have no impact.
- This particular section of St Mary's Avenue suffered from severe surface water flooding in 2016 and ever since properties have been in high risk of the same event. The application will increase the risk of surface water flooding.
- A significant factor in flooding is the amount of paved over gardens and reduction in garden and land for rainwater to drain. This development includes the removal of the front garden and replacement paving for three cars.

- This is intended for a multi-generational home which would increase vehicles for which they have not allowed extra parking capacity. St Marys Avenue has a significant problem with street parking given limited driveways and increasing number of vehicles;
- Concerns regarding dust and noise and the impact on vulnerable residents. There should be special consideration given to them during the construction phase and it should be necessary to stipulate in any approval.
- Congestion due to building issues for extended period of time.

4.2.4 Officer comment: Concerns regarding errors on the application form are noted, however, officers undertake a site visit for each application in order to fully assess the site circumstances.

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 July 2021 the updated 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 2021 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 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, DM6, DM8, 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 Impact on Character and Street Scene

7.1.1 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'.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD provide further guidance relating to residential development. Appendix 2 of the Development Management Policies LDD advises that extensions should be sympathetic to the character and appearance of the host dwelling and should not appear unduly prominent. Extensions should not also appear disproportionate in scale to the original host dwelling.

7.1.3 In this case, the applicant is seeking to erect part single storey, part two storey rear extension, in addition to a replacement roof form and rear dormer windows. The original plans indicated a two storey rear extension with stepped building line with a minimum depth of 4m projecting to a maximum depth of approximately 6.9m. Significant concern was raised with regard to the excessive depth of the central element as it resulted in a disproportionate and excessive addition, which also appeared contrived. Furthermore, significant concerns were raised with regard to the design of the extensions, particularly in relation to the crown roof form. Appendix 2 of the Development Management Policies LDD sets out the following with regard to crown roofs:

Crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured.

7.1.4 In this case, the crown roof form measured approximately 4.1m in depth by approximately 4.4m in width and concern was raised that this alongside the scale of the rear extensions, it would result in a significant increase in bulk and massing to the detriment of the host dwelling and wider streetscene.

7.1.5 In response, amended plans have been received which have reduced the depth of the two storey rear extension to a maximum depth of 4.5m and a minimum depth of 4m (varying depth due to the existing stepped elevation at first floor level). In addition, the roof form has been amended with a sunken crown roof form proposed. The removal of the deepest element of the two storey rear extension is viewed favourably, resulting in a flush rear elevation at first floor level. Furthermore, the depth of the two storey rear extension at a maximum depth of 4.5m is not considered to be disproportionate when considered in relation to the scale of the host dwelling and the size of the plot as a whole. With regard to the roof form, the applicant is now proposing a sunken crown roof form with the flat element

significantly reduced in area to a width of 1.6m and a depth of 1.5m and hidden. The design of the roof form means that the flat element would not be as discernible from public vantage points including the adjacent footpath and therefore the visual prominence of the development is reduced. Furthermore, it is also noted that there are other more visible crown roof forms in the surrounding locality including at no.34 and 45 St Mary's Avenue and in nearby residential roads.

- 7.1.6 The amended plans indicate that a single storey element would project from the original rear building line to a maximum depth of 6.9m. This would be located centrally and given its single storey nature and significant set in off both flank boundaries would not be visible from or have any impact on the visual amenities of St Marys Avenue.
- 7.1.7 With regard to dormer windows, Appendix 2 of the Development Management Policies LDD advises that they should be subordinate additions, they should be set down from the ridge, in from both sides and back from the plane of the wall. The applicant is proposing two rear facing dormer windows, which would both have pitched roof forms and would be set down from the ridge and back from the plane of the wall. It is acknowledged that they would sit in close proximity to the sides of the existing roof slope. However, on balance, given their modest nature and their siting to the rear roof slope, it is not considered that they would result in significant harm to justify refusal and as such, no objection is raised.
- 7.1.8 To the front, it is noted that the existing integral garage would be converted to form a study/store. A garage door would be retained to the front elevation, such that the appearance of the front elevation would not be significantly altered and thus no objection is raised in this regard.
- 7.1.9 The applicant is also proposing alterations to the frontage to provide additional hardstanding, resulting in the loss of an area of soft landscaping to the frontage. Likewise, due to the narrow nature of the opening, the proposal will result in the removal of part of the front boundary treatment. Whilst the loss of soft landscaping is regrettable, the plans still indicate that an area of soft landscaping to the front of the dwelling will be retained which will soften the visual impact. It is also noted that there are other properties within the vicinity with varying extents of hardstanding, such that the proposed development would not appear incongruous in this regard.
- 7.1.10 In summary, given the amendments made and subject to a condition requiring the use of matching materials, the development is considered 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.

7.2 Impact on amenity of neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to 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 LDD advises that extensions should not be overbearing and should not result in a loss of light or overlooking to neighbouring properties.
- 7.2.2 The proposed development includes a part single, part two storey rear extension. Appendix 2 of the Development Management Policies LDD states the following with regard to the assessment of such developments:

Two storey development at the rear of properties should not intrude into a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.

- 7.2.3 There is a footpath between the application site and no. 49 and this neighbouring dwelling is also set of its boundary. The plans indicate that there would be no intrusion of the 45 degree line from no. 49 and thus it is not considered that the proposed development would result in a loss of light or appear overbearing to this neighbour. With regard to no.53, there would be an intrusion of the 45 degree line from the boundary when taken from a point on the boundary level with the first floor rear wall of the neighbour, however, the plans indicate that there would be no intrusion from the corner of the two storey rear building line of this neighbouring dwelling. Furthermore, it is noted that the guidance in Appendix 2 suggests that were a property has been extended at ground floor level, the 45 degree line should be taken from this point. No. 53 has an existing single storey rear projection and there would be no intrusion of a 45 degree line from this point. . As such, given the hipped nature of the roof form, that the first floor extension would not project beyond the rear wall of the existing single storey rear extension, and that there would be no intrusion from the first floor corner of the dwelling or ground floor rear projection, it is not considered that there would be significant demonstrable harm to justify refusal of the application on this basis. With regard to the proposed roof form, it is acknowledged that this would add some additional bulk and massing, however, the roof would remain as hipped and of the same ridge height as the existing dwelling. As such, it is not considered that the replacement roof form would result in significant harm to the residential amenities of nearby neighbours.
- 7.2.4 The central single storey rear projection would have a depth of 6.5m which would exceed the 4m guidance set out in Appendix 2. However, in this case, it is not considered that this would result in harm to the residential amenities of either neighbour given the extension would be located centrally and set in from the boundaries. As such, it is not considered that this element in itself with be unduly overbearing or would result in a loss of light.
- 7.2.5 The proposal also includes the addition of rear facing dormer windows. The dormer windows would face into the rear garden of the site. It is acknowledged that there would be oblique views towards the rear gardens of neighbouring dwellings. However, this would not result in significantly increased harm relative to the existing situation as a result of first floor windows. Thus no objection is raised. The proposal also includes the addition of two rooflights to both flank roofslopes. Given their position as flush within the roof slopes, it is not considered that they would result in any overlooking to neighbours. A condition will be added requiring that these are set at a cil height of 1.7m above floor level. In addition, a condition shall be added preventing the installation of any further windows in the flank elevations of the extensions.
- 7.2.6 To the front, the existing hardstanding would be extended to provide further off street car parking. This would not result in harm to the residential amenities of neighbouring properties.
- 7.2.7 There are no neighbours to the rear which would be adversely affected by the development. There would also be no harm to neighbours opposite due to the separation by the highway.
- 7.2.8 In summary, it is not considered that the proposed development would result in significant harm to the residential amenity of neighbouring occupiers. The development is considered 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.

7.3 Amenity Space Provision for future occupants

- 7.3.1 Appendix 2 of the Development Management Policies LDD sets out the standards for amenity space provision. It states that a five bedroom dwelling (the proposed games room has been included as a bedroom), should have 126square metres of amenity space. In this case, the dwelling would have a remaining amenity space exceeding 400 square metres which is ample for a dwelling of this size and well in excess of the policy requirement.

7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.4.2 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.
- 7.4.3 The application has been submitted with a Biodiversity Checklist which details that the development would not have any impact on any protected species. In this case, the development would include the provision of a replacement roof and thus it is considered necessary to add an informative reminding the applicant of what to do should bats be found to be present during the course of the works.

7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the Development Management Policies LDD advises that 'Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997.
- 7.5.2 The Landscape Officer raised initial concerns regarding the impact of additional hardstanding to the frontage on a mature and substantial Magnolia tree located within the front garden, which currently provides significant amenity value. However, the Landscape Officer has since withdrawn this objection, noting that there is already hard surfacing located adjacent to the Magnolia Tree and thus the replacement of the hard surface in this location would not result in increased harm due to the existing situation. However, it is considered necessary to add a condition requiring a tree protection plan and method statement to be submitted.
- 7.5.3 In addition, given the loss of soft landscaping to the frontage, the Landscape Officer has advised that a landscaping scheme for the frontage should be submitted to ensure that some replacement planting is provided. The provision of a landscaping scheme would also allow full details of the hard surface to be required. It is noted that the block plan specifies that this would be a granular surface, however, a landscaping condition would ensure that full details are submitted for assessment by officers.
- 7.5.4 With regard to the rear amenity area, the Landscape Officer has advised that the development would be unlikely to result in harm to significant trees or areas of landscaping and it therefore would be unreasonable to object on this basis.
- 7.5.5 In summary, subject to conditions, the development would not result in any significant harm to any protected trees or areas of landscaping and the development is therefore considered as acceptable in this regard.

7.6 Highways, Access and Parking

- 7.6.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access and that development would not have an impact on the safety of the highway. The proposed development would not include any alteration to the existing vehicular crossover and thus there would be harm in this respect.

- 7.6.2 Appendix 5 of the Development Management Policies LDD advises that a dwelling with four or more bedrooms should have three off street car parking spaces. The existing dwelling has one off street car parking space to the front and there is also a space within an existing integral garage. The existing garage would be converted as a result of the development, thus resulting in the loss of one off street car parking space. However, the plans indicate that the hardstanding would be extended in order to provide three off street car parking spaces in accordance with Appendix 5 of the Development Management Policies LDD. A condition shall be added requiring that the off street car parking provision is provided prior to the occupation of the extensions. It is noted that some concerns have been raised by residents that the spaces would be difficult to access and would result in the loss of part of the front boundary wall and hedge. Amended plans have been submitted which indicate the part removal of the front boundary wall. No objection is raised to its removal given this would result in a more open frontage and given the variation in the wider streetscene, no objection is raised. It is also noted that planning permission would not be required for the removal of the wall. It is considered that the parking spaces proposed are capable of being accessed.
- 7.6.3 With regard to materials, the applicant has specified that a porous surface would be used and therefore it is considered that there would be sufficient provision for drainage on site. Therefore no objection is raised in this regard.
- 7.6.4 In summary, the proposed development would provide sufficient off street car parking and the development is considered acceptable and in accordance with Policy DM13 of the Development Management Policies LDD.

7.7 Flood Risk

- 7.7.1 Policy DM8 of the Development Management Policies LDD advises 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'*
- 7.7.2 The application site is located within Flood Zones 2 and 3, which is land defined in the planning practice guidance as being at risk of flooding. It is noted that residents have raised significant concern in this regard and provided photographs which indicate that St Marys Avenue has been flooded previously.
- 7.7.3 As the site is within Flood Zones 2 and 3 it is necessary to refer to the Environment Agency's Flood Risk Standing Advice. The standing advice for minor developments in these flood zones, states that floor levels should be no lower than the existing floor levels of the dwelling and that the applicant may consider further flood proofing measures. In this case, the applicant has confirmed on the plans that the floor levels of the proposed extension would be no lower than existing.
- 7.7.4 It is also acknowledged that the development does involve further hardstanding to the frontage, however, a porous surface would be utilised. Furthermore, the existing surfacing consists of non-porous paving and thus the provision of a porous surface would be an improvement to the current site circumstances. It is also noted that the provision of additional hardstanding could be undertaken as permitted development.

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:

5828 A099, 21125-21-02, 21125-21-03, 5828/A101 B, 5828/A102 A, 5828/A103 B

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10, CP12; of the Core Strategy (adopted October 2011) and DM1, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- 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 works to the driveway shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. The proposed hard surface to the frontage shall be a porous material.

All soft landscaping works required by the approved scheme shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM8 of the Development Management Policies LDD (adopted July 2013).

- C5 The parking and turning spaces shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development hereby permitted. The parking spaces shall thereafter be kept permanently available for the use of residents and visitors to the site.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C6 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C7 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

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.

- 12 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.
- 13 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.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228
Natural England: 0300 060 3900
Herts & Middlesex Bat Group: www.hmbg.org.uk

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).