

PLANNING COMMITTEE – 16 DECEMBER 2021

PART I - DELEGATED

6. **21/1579/FUL – Two-storey side extension, two-storey rear extensions including insertion of rear rooflights at loft level, construction of lower ground floor level, alterations to fenestration, and increase to front hardstanding at 11 RUSSELL ROAD, MOOR PARK, HA6 2LJ**

Parish: Batchworth Community Council
Expiry of Statutory Period: 24.08.2021
Extension of time: 20.12.2021

Ward: Moor Park & Eastbury
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called to Committee with the support of three Members unless Officers are minded to refuse due to concerns over harm to a pre-1958 dwelling and adverse impact on the Conservation Area.

1 Relevant Planning History

- 1.1 8/643/75 - Car port at front of house - 29.10.1975 – Refused
1.2 W/3078/69 - Garage, playroom, covered entrance - 09.12.1969 – Permitted

2 Description of Application Site

- 2.1 The application site contains a large two-storey detached dwelling located on Russell Road within the Moor Park Conservation Area. The application dwelling has dark tiled hipped roof forms and a white render exterior finish.
2.2 To the rear of the dwelling is an amenity garden of some 1000sqm in area that is predominantly laid as lawn. The land levels drop to the rear of the dwelling which contains a raised patio area with steps down to garden level. To the front of the dwelling is a driveway and front garden.
2.3 The neighbouring dwellings are of similar scale to the application dwelling and are set on similar front and rear building lines, many of which have been extended and altered.
2.4 The area is generally characterised by large, detached properties set within generous plots. There is no particular style which dominates the local context, with each dwelling having a unique style and character.

3 Description of Proposed Development

- 3.1 Full planning permission is sought for a two-storey side extension, part single-storey part two-storey rear extensions including rooms in the roof facilitated by rear roof lights, , construction of lower ground floor level to extension and under part of main house, alterations to fenestration including relocation of front entrance door, and increase to front hardstanding.
3.2 The existing attached garage (non-original) would be demolished and a two-storey side extension built in its place. The proposed side extension would have a first floor width of 5.1m, and a ground floor width of 5.5m, from the principal flank elevation of the dwelling. The extension would be set back 1.4m from the front elevation at ground floor level and 2.6m from the front elevation at first floor level. The extension would have an eaves height of 5.5m and an overall height of 9.0m which would be set down 0.7m from the ridge of the

host dwelling. There would be two first floor windows and a garage door at ground floor level within the front elevation of the extension.

- 3.3 It is proposed that a part first floor, part ground and lower ground floor extension is built to the rear of the property. The ground and lower ground floor element of the proposed extension would have a depth of 4.5m from the principal rear elevation and would be built to the full 18.8m width of the rear elevation of the dwelling. From the surrounding ground floor level, the ground floor element of the rear extension would have an eaves height of 3.3m and an overall height of 4.3m. The lower ground floor element would involve excavation to a maximum depth of 1.9m, an approximate 9.0m length beyond the existing principal rear elevation. The first floor element of the proposed extension would have a depth of 4.0m and a width of 16.9m, set in 0.8m from each flank. From the surrounding ground floor level, the first floor element of the rear extension would have an eaves height of 5.7m, which would match the principal eaves height of the dwelling, and an overall height of 9.0m, set down 0.7m from the main ridge. The roof form of the proposed first floor extension would consist of three hipped roof projecting elements with central valleys. Within each hipped roof end, there would be a roof light. The extensions would contain five windows at first floor level to match the dwelling, three sets of bifold doors at ground floor level and three sets of bifold doors at ground floor level within the rear elevation. There would be a set of steps and walkway that would protrude some 1.2m from the rear elevation of the dwelling and lead down to the garden. There would be a window within the southern flank elevation of the extension at first floor level.
- 3.4 The proposed extensions would be constructed in materials to match the existing dwelling including windows.
- 3.5 It is proposed that the existing driveway is extended in a southern direction to accommodate additional parking to the front of the dwelling. An area of approximately 45sqm would be paved, adjoining the existing driveway.
- 3.6 Amended plans were received during the course of the application which reduced the scale of the proposed extensions, including a reduction in height and depth of the side and rear extensions, and omission of the proposed rear dormer windows. The amount of glazing was reduced within the rear elevations of the extensions and the proposed glass balustrading was replaced with metal railing.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council:

"Batchworth Community Council supports the points raised by Moor Park (1958) Ltd in conjunction with this application."

4.1.2 Conservation Officer: [Objection to original scheme]

"I think the scheme could be improved to relate better to the existing and characterful appearance of the property."

The proposed extension are significant. I acknowledge that large properties are a character of the area however, extensions should still be proportionate to the host dwelling. Aside from the 1970s garage it doesn't look like the property has been extending much over the years and any extension should be more respectful of the properties original scale and form. The rear extensions, in particular, undermine the existing form of the property almost doubling the depth. There may be scope for a side extension over the existing garage however, this should be adequately set down from the ridge height rather than extending from the existing ridge which unsympathetically increases the mass of the property. I know the neighbouring dwellings have had substantial extensions but wouldn't say these are

sympathetic nor set precedent particularly given the property doesn't appear to have been extended to the rear. There may be scope for a two storey rear extension but again subservient but I wouldn't support the three pitched projections. The basement is highly visible from the rear elevation emphasising the property as a 3 storey dwelling which is disproportionate to the two-storey scale of the CA. Lack of visibility doesn't equate to lack of harm, in any case, the rear elevation can be seen from gardens of properties that are also within the CA – this is set out in two dismissed appeals: 2019 Appeal APP/B5480/D/19/3227917 and APP/ B5480/D/19/3227917.

I wouldn't support moving the entrance door. The alterations to the front of the property result in an overly formal and symmetrical appearance diluting the architectural interest of the property and wider CA. The alterations to the front alter the asymmetrical appearance which is a key feature of Arts and Crafts/ Metroland architecture. The HS states that the row nos. 11 -19 were constructed as a group - I don't have street view but the aerial image shows the neighbouring properties still having their entrances set off centre, moving the entrance door will disrupt this rhythm and have a negative impact on the visual continuity of the group.

The rear elevation is relatively bland and detracts from the character of the house again creating a monotonous appearance, the glass balustrading is also incongruous and the box dormers are untraditional, unrelating to the hipped roof form of the host dwelling.

The property in its current form and appearance makes a positive contribution to the CA and this proposal would detract from that contribution resulting in harm to the CA (para 202 NPPF 2021)."

4.1.3 National Grid: [No response received]

4.1.4 Moor Park (1958) Ltd: [Objection]

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

In our opinion the clear provisions contained within paragraphs 2.7, 3.1, 3.4, 3.7, 3.8 and 3.11 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 more detailed objections and concerns, these are as follows: -

1. The submitted Heritage Statement advises that the existing property was under construction in 1938 and built by 1945. Consequently, it is one of the houses built prior to 1958 and thus it clearly has a special significance and status in the Moor Park Conservation Area.

Paragraph 3.1 of the approved 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".

We believe both these crucial paragraphs in the MPCAA are directly relevant in the assessment and determination of the application, especially bearing in mind the fact that the TRDC planning history reveals only a "garage/study extension" application dating from

1969. Consequently, the protections predicated in para 2.7 are highly relevant and serve to reinforce that the host property makes a positive contribution to the Conservation Area.

In our opinion, the scale and extent of the proposed development is unacceptable and would have a massively overwhelming and over-dominant impact on the character and appearance of the property and fails to demonstrate or create any form of subserviency to the host dwelling. This is by virtue of the following factors: -

- a two-storey side extension that has the same ridge height as the host dwelling and fails to “step down” to show a measure of recognition and respect (or element of “subserviency”) to the scale and proportions of the original dwelling
- a two-cum-three storey rear extension across the full width of the extended house with three hips built to the full ridge height
- digging out a large basement under the majority of the dwelling and thereby creating (in form and appearance) a four-storey rear elevation
- altering all the windows in the front elevation and relocating the front door to a more central location
- demolishing a large percentage of internal walls at ground and first floor and
- an extensive increase in the hard standing area at the front of the dwelling that materially and adversely impacts on its setting in the Conservation Area.

In light of the above, we very strongly believe that the scheme is entirely unacceptable in principle, in terms of the extent and degree of material harm that would be caused to the character and appearance of the host dwelling and the scope and scale of the proposed development that significantly and demonstrably undermines the positive contribution the house has in its Conservation Area setting.

Furthermore, we strongly contend that the scale of the “wrap around” development that (i) entirely removes the rear wall and roof of the house, (ii) entirely replaces one side elevation, (iii) that removes the majority of the internal walls at ground and first floor level and (iv) excavates an extensive basement under the majority of the dwelling, is tantamount to the demolition and substantive loss of the pre58 host dwelling.

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 full demolition/replacement upon the implementation of the development.

Indeed, as Senior 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.

Finally on our first ground of objection, and to underline and reinforce our strong objections, we would wish to cite the findings and conclusions in regard to a recent appeal decision affecting another pre58 dwelling in the Moor Park Conservation Area.

While we accept that each application must be determined on its own merits, nevertheless the similarities/parallels between the impact, built elements and scale of the two cases are very clear and striking and hence we would urge the Council to fully recognise the principles set out by the Inspector in its assessment and determination of the current application, as follows:-

“Regardless of the importance which is, or is not, placed upon 1958 as a date or the fact the appeal site has no special designation, it is a common principle with extensions that they should not overwhelm or result in a complete loss of the features and/or character of the host dwelling i.e. they should be subservient. (our emphasis)

Taking into account the existing/proposed floor plans and elevations it is clear that realistically only limited elements of the original dwelling (front and a side elevation) would be retained as part of the design. I find that the proposals are likely to result in substantial demolition based upon the evidence before me. This, in turn, undermines the original form of the host dwelling. It is, I find, not far off presenting as tantamount to a replacement dwelling as a result of the loss of a substantial proportion of the structure of the host dwelling. (our emphasis)

Even giving the proposal the benefit of the doubt, and considering it as an extension proposal as contended, it can be seen from the development description that the proposal is one with multiple elements..... the house will result in a material enlargement of the massing of the building. (our emphasis)

I find the combination of the proposals, essentially wrapping around two sides of the dwelling as well going under and over, would result in substantial additions and alterations that would be unsympathetic to the host building. The extensions and proposed basement, combined with the increase in ridge height, would result in the original dwelling being essentially engulfed and over-dominated and completely detract from both its original character and appearance as a result of excessive scale. The original dwelling would be virtually undecipherable upon completion. (our emphasis)

As a result of all of the above factors, we submit that the application should be robustly resisted and refused by the Council as soon as possible.

Although we now go on to assess other (unacceptable) aspects of the proposed development, we wish to make clear that we do not want them to in any way detract or “water down” our primary, “in principle” objections as set out above.

2. In addition to the substantive aspects of our objections to the proposed built development as outlined under paragraph 1 above, we also note that one of the submitted drawings (ref 5830/EL002) states that the external materials are intended to be “cream render and slate roof tiles”. As a point of principle, we consider a slate roof (and, to a lesser extent, cream rendering), to be entirely incompatible with, and failing to respect, both the character and appearance of the pre-58 host dwelling and the predominant external materials found in the surrounding Conservation Area.

3. One specific aspect of para 3.4 of the MPCAA deals with “deep floor plans” where it states such developments, “...tend to block oblique views of trees and back garden drops from the street...” and adversely affect the “...spacious character of the conservation area etc”. Such schemes are thereafter described as “...unlikely to be acceptable”.

The proposed development along both flanks of the dwelling seeks to substantially increase the depth of the footprint of the existing dwelling at this/these points. Indeed, the depth of the flank walls (extending to the rear and with minimal “set-in”) is almost doubled.

Furthermore, the extent/bulk of the proposed development along both flanks and including the scale and height of the roof (extending to full ridge height) extenuates the harm, adverse impact and unacceptable nature of the scheme in this respect, especially bearing in mind the angled nature of the flank boundaries and the relative proximity to both neighbouring properties.

Consequently, we also wish to express our further objections over this aspect of the application having regard to the fact that any development that "affects the spacious character of the conservation area and gives the impression of space between the houses being reduced or the gaps closed up" should be resisted. This is in the interests of protecting one of the most predominant characteristics of the Moor Park Conservation Area.

4. The Council will be aware of the heightened level of awareness and scrutiny that is now associated with the construction of basements within the Moor Park Conservation Area. As you will be aware, this arose in April/May 2020 as a result of a scheme involving the construction of a basement elsewhere within the estate (at 17 Sandy Lodge Road – ref 20/0863/FUL).

In light of this example and experience, we consider that an enhanced level of detailed analysis and professional research and assessment of flood related issues represents a new material planning consideration that now requires the detailed submission of all relevant flood impact in relation to the proposed development.

The Council will be very aware of our ongoing concerns, and previously clearly stated objections in regard to proposed basements within the Moor Park Estate Conservation Area, (as supported by paragraph 3.8 the MPCA); namely the potential and materially damaging impact arising from the construction of basements that: -

(i) no surface water flooding will occur as a result of the basement construction and

(ii) that there will be no material harm to any underground water course(s) in the vicinity of the site as a result of the basement construction.

In light of this, it is our clear and strong contention that the submission of all relevant flood impact (as a matter of “good professional practice”); as previously insisted upon by the Council, should now be fully pursued and assessed in relation to this current application, prior to its determination.

5. A further set of material planning objections relates to the proposed extensive hard-surfacing of the front garden area of the property.

The Council will be aware that paragraph 3.11 of the approved MPCA states that:-

“Areas of hard standing between the front....of a house and the road should be no more extensive than is reasonably necessary to park and turn vehicles”.

“Extensive hard surfacing will not be considered to be sympathetic to the open character of the frontages in the conservation area.....”

It is our view therefore that the proposed total extent of new hard-surfacing at the front of the site would be considerably beyond the provisions of para 3.11 of the MPCA.

In our opinion, the extent of hard-surfacing in the current application would result in a harsh and urbanising impact that would materially harm the character, attractiveness and setting

of the important pre58 dwelling in this part of the street frontage and also fails to preserve or enhance the character and appearance of the wider designated Conservation Area.

The Council is therefore requested to have full regard to our objections, as supported by the provisions and objectives of para 3.11 of the approved MPPCA in the assessment and determination of this application, having regard to ensuring the preservation and enhancement of the open and well landscaped character and appearance of the application property in its Conservation Area setting.

On this basis we also wish to raise our further strong objections and request that the application also be refused on this ground.

6. While overlooking (and resultant associated loss of privacy) is normally an issue for neighbours to comment on, we are mindful of the introduction of a sizeable rear balcony within the proposed development that runs the full width of the enlarged (wider) dwelling. If there is any prospect of any material loss of privacy, or even the perception of loss of privacy, to any of the neighbouring properties, by reason of the overlooking from this elevated vantage point, we believe this would be an adequate and appropriate ground for refusing the application. Consequently, would ask the Council to have specific regard to this important issue in the assessment and determination of this application.

In a similar "potential loss of privacy" context, para 3.7 of the MPPCA 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 MPPCA is fully respected and taken into account in the determination of the scheme.

7. 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 (plot coverage) provisions of para 3.4 of the MPPCA in the assessment and determination of this application and consider that any breach of the 15% maximum should be strongly resisted. Furthermore, it is our view that, in light of the exact maximum of the plot coverage being shown in the submitted application, that (i) all relevant dimensions be carefully measured and checked on site and (ii) the implications of the removal of all residential permitted development rights also stand to be taken into account by the Council in the determination of this and/or any future scheme.

8. Finally, and for the avoidance of doubt, we shall seek Member support to call in the application if the Council's officers are minded to recommend the scheme favourably despite the very substantial extent by which the scheme materially fails to recognise or respect the character of the existing pre58 dwelling and in its failure to accord with such numerous and significant aspects of the approved MPPCA.

We trust the above response, based on what we regard as relevant and material planning considerations, primarily within the approved MPPCA, is of assistance to you."

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 5

4.2.2 Responses received: 2 (1 Objection, 1 Neutral)

4.2.3 Site Notice posted 20.07.2021, expired 10.08.2021

4.2.4 Press notice published 09.07.2021, expired 30.07.2021

4.2.5 Summary of responses received:

- The proposal is a considerable development of a pre-1958 dwelling

- The works should preserve the original character of the property
- The side extension should have a lower roof line
- The gradient of the plot is minimal and creating a basement is of concern
- Has consideration been given to underground water courses
- How can it be ensured that the property isn't demolished
- Improvement to homes in Moor Park is welcomed as long as conservation area guidelines are followed
- Concern that the proposal aims for too much with the hope of achieving little change to subsequent proposals

4.2.6 Material planning considerations are addressed in this report.

5 Reason for Delay

5.1 Committee cycle and receipt of amended plans.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 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 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 of the adopted Core Strategy include 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 of the adopted Development Management Policies LDD include DM1, DM3, DM6, DM9, DM13 and Appendices 2 and 5.

6.3 Other

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

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

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

The Moor Park Conservation Area Appraisal was approved by the Executive Committee of the Council on the 27 November 2006 as a material planning consideration in the determination of planning applications and as a basis for developing initiatives to preserve and/or enhance the Moor Park Conservation Area. The Appraisal was subject to public consultation between July and October 2006 and highlights the special architectural and historic interest that justifies the designation and subsequent protection of the Conservation Area.

7 Planning Analysis

7.1 Impact on Character and Appearance of Conservation Area

- 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 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.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. The Design Criteria at Appendix 2 states that the first floor element of development should be set in by a minimum of 1.2 metres to prevent a terracing effect within the street scene.
- 7.1.3 The site is located within the Moor Park Conservation Area therefore Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.
- 7.1.4 The application dwelling is a relatively unaltered pre-1958 dwelling, in terms of minimal extensions to its original form, which the Moor Park Conservation Area Appraisal seeks to protect. As such, the dwelling contributes positively to the conservation area.
- 7.1.5 The proposed two-storey side extension would involve the demolition of the existing non-original attached garage and the construction of an extension which would replicate the scale and roof form of the existing dwelling. However, importantly, the amended extension would be set back from the principal front elevation of the dwelling and set down from the main ridge and would maintain a spacing of 1.5m to the flank boundary, which would represent a reduction in the ground floor width relative to the existing situation. It is considered that the side extension relates acceptably to the host dwelling and, given its scale, would appear as a subordinate addition to the host dwelling and would preserve its original appearance, ensuring the original dwelling is clearly legible.
- 7.1.6 The proposed rear extensions at ground and lower ground floor level would measure 4.5m from the original principal rear elevation whilst the first floor element, as amended, would measure 4.0m. Whilst the ground and lower ground floor extensions would exceed the depth of 4.0m generally considered acceptable as set out in the Design Criteria, they are not considered to be disproportionate to the host dwelling to the level that harm would arise

as a result. The rear extensions would also be largely obscured from public vantage points however some limited oblique views from the Conservation Area may be available.

- 7.1.7 The proposed first floor element of the rear extensions would incorporate three hipped roof projections. These would be set in from the flanks and set down from the ridge which would break up the depth of the flank elevations and ensure that there is a slight distinction between the original and extended dwelling to the southern flank. The comments of the Conservation Officer are noted in relation to the three hipped roof design of the extensions not being supported. Furthermore it is acknowledged that the proposed rear extensions would extend across the full width of the dwelling and in combination with the side extension somewhat subsumes the scale of the original host dwelling. Whilst recognising the cumulative impact of the extensions wrapping around the house, the majority of the added bulk and massing would be at the rear where there is limited inter-visibility from public vantage points. Whilst the lack of visibility does not equate to harm, it is not considered on balance that the impact of the rear extensions would harm to the character and appearance of the host dwelling and Conservation Area. Notwithstanding, on balance it is considered that they would leave the form of the original dwelling legible and would not result in a significant harmful impact upon the appearance of the street scene or Conservation Area.
- 7.1.8 Due to the position of the dwelling in the context of the street scene and the location of the proposed lower ground floor level and associated alterations directed to the rear, it is not considered that the proposed development would result in any harm to the character and appearance of the street scene. The proposal would involve the excavation of the ground level to the rear of the dwelling up to 1.9m. The levels currently slope downwards to the rear to the extent that the internal ground floor level is raised at least a metre from the garden level. There are currently areas of raised patio which step down to the garden level. It is not considered that the further excavation to form a lower ground floor level which opens out to the garden level would cause harm to the character of the area or dwelling.
- 7.1.9 It is considered that the proposed alterations to the frontage including an increase in the paved area would be acceptable. The existing driveway is relatively small in comparison with the local character and the proposed level of extension, as amended, would still retain a significant portion of soft landscaping which is not considered to result in harm to the open character and appearance of the Conservation Area.
- 7.1.10 In summary, the proposed extensions, as amended, are considered to relate acceptably to the host dwelling and, on balance, would not detrimentally erode or harm its original pre-1958 character. Whilst the proposed extensions would cumulatively increase the scale of the dwelling, the original dwelling would remain legible and still contribute positively to the Conservation Area.
- 7.1.11 It is important to ascertain whether the proposals comply with the planning guidance for Moor Park as set out in the Conservation Area Appraisal (Oct 2006). Key aspects of the Moor Park guidance in relation to this application are the percentage of plot coverage in area, plot width coverage and distance to the boundaries. The Moor Park Conservation Area Appraisal sets the following guidance:
- Maximum building line width of 80% at the front building line
 - Buildings should not cover more than 15% of the plot area.
 - 1.5m being kept clear between flank walls and plot boundaries
- 7.1.12 The proposed development would amount to a maximum front building line of 80% which would adhere to the guidance. The proposed side extension would also be spaced 1.5m to the boundary which would comply with the guidance. The dwelling as a result of the proposed extensions would result in a plot coverage of 15% which would also comply with the appraisal guidance.

7.1.13 In summary, it is not considered that the proposed development would result in a significant adverse impact on the character or appearance of the host dwelling, street scene or conservation area to justify the refusal of planning permission and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies document.

7.2 Impact on amenity of neighbours

7.2.1 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 development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. Two-storey development should not intrude the 45 degree splay line measured from a point on the shared boundary level with the rear wall of the dwelling. The depth generally considered acceptable for rear extensions to detached properties is 4m.

7.2.2 The proposed extensions would not intrude the 45 degree splay line, taken from a point on the shared boundary level with the wall with either neighbour. It is acknowledged that the proposed ground and lower ground floor elements of the extension would measure some 4.5m from the original rear wall therefore would exceed the design criteria depth. The proposed first floor extension, as amended, would have a depth of 4.0m from the original rear wall which would comply with the design criteria. The proposed two-storey side extension would be built within the confines of the principal front and rear elevations. It is factored into consideration that each adjoining neighbour has implemented rear extensions of their own. As such, it is not considered that the proposed development would result in an overbearing impact or a loss of light to the detriment of any adjoining neighbour.

7.2.3 The proposed extensions would contain glazing at ground floor, first floor, loft level and basement level. It is not considered that the proposed glazing would cause harmful overlooking. It is acknowledged that the proposed glazing at loft level would introduce an elevated rearward view relative to the current situation however it is not considered that this would result in harm to any adjoining neighbour. It is considered appropriate for the first floor glazing within the flank elevations of the proposed extensions to be conditioned to be obscure glazed and top level opening only.

7.2.4 The proposed ground level extension would contain a platform of some 1.2m in depth from the rear elevation and steps down to the new garden level. It is not considered that this platform would result in overlooking to the detriment of any neighbour. It is not considered that the proposed driveway alterations to the frontage would result in harm to any neighbour.

7.2.5 In summary, the proposed development is acceptable 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 Highways & Parking

7.3.1 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 sets out that a 4 or more bedroom dwelling should provide three parking spaces.

7.3.2 The application dwelling currently has a driveway large enough to accommodate three spaces and also contains an attached garage which can provide a third space. The proposed development would involve an extension to the driveway which would enable the frontage to accommodate three spaces. The proposal is therefore considered to be acceptable in terms of parking and would accord with Policy CP10 of the Core Strategy

(adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

7.4 Rear Garden Amenity Space

- 7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space Appendix 2 of the Development Management Policies Document states that 'amenity space must be provided within the curtilage of all new residential developments.'
- 7.4.2 The application site would have a rear amenity space of over 1000 sqm following the implementation of the proposed extensions. It is therefore considered that there will be adequate amenity space in accordance with Appendix 2.

7.5 Trees & Landscape

- 7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' 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.'
- 7.5.2 No trees are proposed to be removed as part of the proposed development. The rear garden contains some relatively small trees and shrubs along the flanks however does not contain any significantly large or mature trees. The proposed development is therefore considered to be acceptable in this regard.

7.6 Biodiversity

- 7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.
- 7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.
- 7.6.3 As the proposed development would affect the roof of the dwelling, an informative will be included on any permission advising a precautionary approach to works is undertaken.

7.7 Flood Risk & Drainage

- 7.7.1 Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.
- 7.7.2 The site is not within an identified flood zone and is in an area at low risk of surface water flooding therefore is not considered to be at risk of flooding. It is acknowledged that the

proposed development comprises a lower ground floor level and not a true basement as such. An informative will be added to the grant of any consent in relation to flood risk.

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: 5830/EL001, 5830/EL002 REV E, 5830/PL001, 5830/PL003, 5830/PL004 REV E, 5830/SC002 REV C

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard 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, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and and the Moor Park Conservation Area Appraisal (2006).

C3 Before above ground building operations hereby permitted are commenced, samples and details of the proposed external materials 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 ensure that the external appearance of the dwelling is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 Before the first occupation of the dwelling hereby permitted the flank windows above ground level shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the windows are installed. The windows shall be permanently retained in that condition thereafter.

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).

C5 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 windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations of the dwelling hereby approved.

Reason: To safeguard the residential amenities of neighbouring 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).

Informatives

I1 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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 submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Applicants are advised that paragraph 3.8 of the approved Moor Park Conservation Area Appraisal (2006) specifically seeks to protect underground water courses that may be impacted as a result of the construction (or extension) of basements within the Conservation Area. Consequently the applicant is requested to have careful regard to this matter and especially, in the carrying out of the development, to ensure that:-
 - (i) no surface water flooding will occur as a result of the basement construction and
 - (ii) that there will be no material harm to any underground water course(s) in the vicinity of the site as a result of the basement construction.
- 15 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).