

## PLANNING COMMITTEE – 16 DECEMBER 2021

### PART I - DELEGATED

9. **21/2153/FUL - Partial demolition of the existing dwelling and erection of part single, part two-storey side and rear extensions with loft conversion and alterations to vehicular access and driveway and repositioning of gates and walls to frontage at 13 HEATHSIDE ROAD, MOOR PARK, HA6 2EE**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 05.11.2021  
(Extension of Time Agreed 20.12.2021)

Ward: Moor Park & Eastbury  
Case Officer: Scott Volker

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by three Members of the Planning Committee and the Parish Council unless Officers are minded to refuse for the reasons set out at 4.1.1 below.

#### 1 Relevant Planning History

- 1.1 W/809/54 - House and garage. Permitted and implemented.
- 1.2 19/2260/FUL - Partial demolition of the existing house, removal of existing stand-alone garage and chimney and erection of a two storey side and rear extensions to include new entrance porch, decorative surrounds to new fenestrations, partial new roof with roof lights and sun-tunnels – Withdrawn January 2020.
- 1.3 20/1507/FUL - Partial demolition of the existing house, conversion of garage into habitable accommodation and erection of a two storey side and rear extensions to include new entrance porch, loft conversion including increase in ridge height and rooflights and creation of basement with light wells and provision of solar PV panels – Refused for the following reason:

*R1: The existing dwelling was built prior to 1958 and makes a positive contribution to the character and appearance of the street-scene and the Moor Park Conservation Area. The proposed extensions by virtue of their excessive scale and design would result in the loss of a substantial proportion of the existing house including original features. The proposed extensions would therefore over-dominate the dwelling eroding its original character resulting in harm to the character and appearance of the existing dwelling and the wider Conservation Area. The increase in hard-surfacing to the front would also erode the open character of the site, a key characteristic of the Conservation Area. The development would lead to less than substantial harm of a designated heritage asset however only private benefits exist. The benefits arising from the scheme are not considered sufficient to outweigh the identified harm to the Conservation Area. The development therefore fails to preserve or enhance the character and appearance of the Conservation Area and would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (adopted 2006) and the NPPF.*

An appeal was lodged and subsequently dismissed referenced APP/P1940/D/20/3262206.

- 1.4 21/1093/FUL - Partial demolition of the existing dwelling and erection of part single, part two-storey storey side and rear extensions with loft conversion including increase in ridge height and alterations to vehicular access and driveway and provision of gates and walls to frontage. – Withdrawn July 2021.

#### 2 Description of Application Site

- 2.1 The application site is located on the southern side of Heathside Road on a corner plot next to the junction with Heathside Close in Moor Park. The site contains a two storey pre-1958 detached dwelling of red brick construction; dark tiled roof and a detached garage. The dwelling has a two storey hipped front projection.
- 2.2 The site frontage is enclosed by hedging which continues to run along the western boundary and round to the rear of the site. The frontage contains a driveway which provides off-street parking for two vehicles and leads to the garage which provides an additional space. The remainder of the site frontage is soft landscaped. The land levels in this area generally slope downwards in an east to west direction and the ridge heights of the properties reflect the gradual change in levels.
- 2.3 To the rear the dwelling has not been previously extended and has a two storey hipped projection and an original cat-slide roof form which contains a dormer window at first floor level. The property benefits from private amenity space measuring approximately 1,000sqm in size and backs onto Heathside Close. The direct neighbour to the application dwelling is 11 Heathside Road which is large two storey detached dwelling set off the shared boundary by approximately 5 metres.
- 2.4 This part of the Heathside Road is characterised by detached dwellings set in spacious plots although the architectural design of the dwellings does vary.
- 2.5 In terms of policy designations, the site falls within the Moor Park Conservation Area.

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

- 3.1 Planning permission is sought for the partial demolition of the existing dwelling and erection of part single, part two-storey side and rear extensions with loft conversion and alterations to vehicular access and driveway and repositioning of gates and walls to frontage.
- 3.2 The proposed two storey side and rear extension would be located along the eastern flank of the dwelling, incorporating the existing garage and would have a width by 7.5 metres at ground floor level and 5 metres at first floor level. At ground floor level the extension would extend to a depth of 11 metres (4.6 metres increase from the rear of the existing garage) to be built in line with the original ground floor rear wall of the host dwelling. At first floor level the extension would have a depth of 8.6 metres. This extension would have a hipped roof measuring 7.5 metres in height, set down 0.9 metres from the main ridge of the dwelling. At the front extension it would include a catslide roof sloping down to an eaves height of 3.2 metres. The eaves to the side and rear at first floor would be set at the same height as main dwelling. A dormer window is proposed within the front roofslope measuring 1.7 metres in width, 1.2 metres in depth and 2.5 metres in height. Glazing is proposed to the front and side at ground floor level and at both ground and first floor level within the rear elevation of the extension including bi-folding doors. A rooflight is proposed within the rear roofslope.
- 3.3 At the rear a two storey rear extension is proposed measuring 2 metres in depth and 5.7 metres in width. The extension would have hipped roof form measuring 8.4 metres in height in line with the main ridge, sloping down to an eaves height of 5.2 metres also to match existing. Glazing is proposed at ground and first floor level and two rooflights are proposed within the east flank roofslope of this extension.
- 3.4 The development also includes an increase in the extent of hardstanding within the frontage of the application site.
- 3.5 Amended plans were received during the course of the application process which resulted in the following changes to the proposal:
  - No longer propose an increase in ridge height of the original dwelling.

- Now include retention of existing location of the front door and insertion of glazed feature to former side access gate.
- Reduction in width of first floor element of side extension by 0.8 metres.
- Alterations to roof design of side extension to remove flat roof form and reduction in height by 1 metre.
- Reduction to the width of the dormer within the front roofslope.
- First floor side extension set back from the principle elevation.
- Removal of rooflights contained within the rear roofslope
- No longer relocating entrance within front elevation. Original entrance/door retained.

3.6 In comparison to the previously refused scheme these are the notable differences:

- No longer a wraparound 'L' shaped extension surrounding the original dwelling – two standalone extensions
- Depth of side extension at first and ground floor reduced
- No increase in ridge height
- The side extension is set down from the main ridge of the original dwelling
- Solar panels and rooflights are no longer proposed within the rear roofslope
- No longer relocating entrance within front elevation. Original entrance/door retained.
- Retention of original fenestration detailing

## 4 Consultation

### 4.1 Statutory Consultation

#### 4.1.1 Batchworth Community Council: [Initial Response: Objection]

Batchworth Community Council objects to this application on the following basis whilst we accept that some of the earlier comments that have been dealt with there remain a number of issues which need resolving:

1. With the loss of 10 (ten) including a category B Copper Beech tree, a tree survey and detailed landscape plan needs to be provided prior to construction commencing. This should include a proposal for the plant of at least 10 (ten) replacement trees including 1 (one) of a similar quality and nature to the copper beech.
2. The front landscaping remains the same as before and a reduction of the hand standing is still required.

#### 4.1.2 Batchworth Community Council: [Further comments following receipt of amended plans - Objection – Call in request]

Batchworth Community Council objects to this application for the following reasons, as well as noting that this application does not deal with all of the issues previously raised and commented upon.

1. With the drawing provided and significant changes in the roof plan it is hard to evaluate if the ridge height has changed. We suspect it is higher and, if so, we would urge the planners to ensure that it is no higher than the existing ridge height.
2. Overall, the scale of this planned redevelopment of what is a pre-1958 property is still excessive in nature, changes the overall appearance of this property and is not akin to the street scene.
3. We would seek clear information from the applicant that these revisions do not exceed the maximum of 15% coverage as per the MPCA and we would ask the planners to ensure this is the case.

4. The planned gates at the entrance to the site should be refused in line with the Conservation Area requirements.
5. We note that this application does not cover the issues previously raised- namely the front landscaping has significant changes that need changing with a reduction in the hard-standing and there is a loss of 10 (ten) trees, including category B copper beech trees. Therefore, a tree survey and detailed landscape plan is required prior to construction.

Batchworth Community Council request that this application is called in for a decision by the District Council planning Committee unless the planning officers are minded to refuse.

#### 4.1.3 Moor Park 1958 Ltd: [Objection]

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

In our opinion the clear provisions contained within paragraphs 2.7, 3.1, 3.6, 3.10, 3.11 and 3.12 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.

Our detailed planning response is as follows:-

1. Before highlighting our objections to the latest scheme, we wish to make clear our view that, in taking regard of the full extent of the proposed works, **we contend that the latest application still essentially demonstrates the effective loss/ demolition, and subsequent replacement, of this important pre58 dwelling in the Moor Park Conservation Area.**

If there is any doubt on this key point we would refer the Council to drawings 210A, 211A and 212A where the extent and totality of blue shading shows exactly how **LITTLE** of the walls and fabric (internally and externally) of the existing pre-58 dwelling will remain if this latest scheme were to proceed. If the drawings for the front, side and rear elevations of the latest proposals had been similarly coloured in blue (we would ask "*why weren't they this time* "?), this major point of objection, and the totality of the resultant material harm caused by this latest scheme, would be brought even further into focus.

On this specific point, the appeal Inspector said:-

*"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..."*

**Having regard to the provisions of the findings, conclusions and decision of the appeal Inspector, the refusal of the application by the Council and the provisions of the approved MPCAA, the fundamental loss/destruction of this important pre58 dwelling is totally unacceptable and therefore we would respectfully seek the Council's support in again strongly resisting the materially harmful and destructive impact of the proposals.**

2. As the Council will be only too aware, the current application follows FOUR previous attempts to achieve planning permission, including:-

- a preapp (ref 20/0675/PREAPP) where the Council highlighted the significant shortcomings of the scheme and duly heavily criticised the proposals,

- two applications that were withdrawn by the applicant prior to determination (refs 19/2260/FUL and 21/193/FUL), presumably due to weight and substance of opposition from various parties and, we surmise, the planning case officer(s) and relevant expert staff and
- the application (ref 20/1507/FUL) that was refused by the Council and subsequently dismissed on appeal. The Council's reason for refusal included the following:-

*“The existing dwelling was built prior to 1958 and makes a positive contribution to the character and appearance of the streetscene and the Moor Park Conservation Area. The proposed extensions by virtue of their excessive scale and design would result in the loss of a substantial proportion of the existing house including original features. The proposed extensions would therefore over-dominate the dwelling eroding its original character...”*

Consequently, in light of all the above, and as a matter of planning principle, we are strongly of the view that the Council needs to be completely satisfied that all aspects of all of the previous planning submissions and decisions outlined above, have been **fully** addressed and entirely overcome in regard to the harm and the adverse impact the scheme would have on the character and appearance of the Conservation Area before considering whether there are sufficient merits in this latest application to now disregard those earlier outcomes and proceed to grant planning permission.

Although we acknowledge that the scale and rearward projections of the previous scheme have been cut back and the basement deleted, in our opinion, it is hard to see how, and in what respects, the previously stated grounds/reasons for refusal have been really and fully addressed or overcome, not least in regard to the again repeated aspects of the scheme to:-

- introduce a new ridge height that is **higher than the ridge height of the existing dwelling** and is located behind the existing ridge in such way that, from the street scene elevation, the existing ridge and roof is over-dominated, (and therefore by any definition is NOT subservient) and
- that introduces a side extension that has a ridge height that is the **same height as the current ridge** and is therefore (again) very clearly NOT subservient to it and
- that still substantially removes the majority of most or in some cases all of the walls (internal and external) and the essence of the fabric and integrity of the existing pre58 dwelling (see paragraph 1 above).

On the above basis, the submitted application results in direct and material harm to this important, largely unaltered pre58 dwelling that makes a positive contribution in its designated Conservation Area setting and hence in our opinion should be refused.

**3.** It is noted that the submitted “Design, Access and Heritage Statement” only makes reference to aspects of the Inspector’s appeal decision letter where no specific or substantial concerns are expressed. This is misleading.

It carefully and conveniently avoids the obvious strong areas of opposition and criticism that were used in dismissing the appeal, including most notably as follows:-

*“.....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.*

*“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...*

*"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..."*

In our opinion these are the more compelling aspects of the appeal decision letter that the Council needs to give the greatest weight to, and take fully into account as part of the assessment and determination of this latest/current set of application proposals.

4. Insofar as para 3.6 of the adopted MPCAA is concerned, it is clear **that traditional pitched** roofs are one of the key characteristics found throughout the Conservation Area. It stands to be noted that the existing roof contains no flat roof or "crown topped" elements at all, whereas the latest submitted roof plan clearly shows a substantial area of flat-topped crown roof in the design of the new scheme.

This is an incongruous and 'alien' design compared to the existing roof design of this important pre58 dwelling, it clearly shows no respect or regard to the design, character or appearance of the existing dwelling and is clearly contrary to the explicit provisions of the MPCAA. On this basis we consider the scheme to be materially harmful to the design and character of the host dwelling and would submit that this further unacceptable aspect should be taken into account as part of the refusal of the application.

While the proposed "flat crown top" is set on almost the highest part of the roof, we **do not** subscribe to the view that such substandard design is acceptable simply by being located "out of sight". In our view, the highest design standards within Conservation Areas should always prevail in the interests of safeguarding the integrity, character and appearance of designated heritage assets.

5. Paragraph 3.7 of the MPCAA states that front dormer windows are "only acceptable" where they are a **common/predominant** feature in the street scene. This latest application now clearly shows a dormer of significant size/scale and proportions in the proposed front elevation. The key and very valid objectives of para 3.7 of the MPCAA are therefore a material consideration in the assessment of this application.

It is our view that simply the existence of "other dormers" somewhere in the street is not a sufficiently high test or simple justification here. The provisions of para 3.7 clearly requires the existence of front facing dormers in the vicinity to be "...**common and predominant**...". If they are not, we wish to raise our "in-principle" objections and concerns, due the harmful impact front dormer projections and protrusions have in the context of the wider character and appearance of the Conservation Area where unbroken roofscapes and roof profiles prevail.

Furthermore, para 3.7 states that before they can be found to be acceptable, dormer windows will need to be "...of good proportions and balance..." and "...should appear subservient to the roof..."

In our opinion, the front dormer dominates the front roof slope of the proposed two storey side extension and is NOT subservient to the roof. As a result, the front dormer (even if it is judged to be part of the "predominant features" in the street scene) would nonetheless be visually dominant and harmful in the street scene and consequently would materially fail to preserve or enhance the character and appearance of the pre-58 host dwelling and the wider Conservation Area.

6. We note that five velux windows are now shown in the rear roof slope (plus one in a return roof slope) compared to the four in the scheme that was refused by the Council and dismissed on appeal. Crucially there are none in the existing pre58 property.

This is totally contrary, in principle, to the provisions of para 3.10 of the MPCAA that states that velux rooflights are an *"incongruous feature"* in the Conservation Area and any that are visible from the street will not be acceptable.

Five of the veluxes are shown directly in the rear elevation, but it is unclear if they may be partially visible due to the application site occupying a corner plot and where Heathside Close runs the full length of the return frontage and rear boundary. We would wish to register a formal objection to **any** that are visible, or likely to be visible, from any public vantage point (e.g. from either at the rear or from the east flank) and strongly urge that they should be removed from the scheme or, if not, be refused by the Council due to the visual harm that will arise within the designated Conservation Area as expressed in the context of para 3.10 of the MPCAA.

7. We note that the submitted drawings show alterations to the front garden area, including changes and a substantial increase to the hardstanding/hard surfacing and alterations to the driveway crossovers.

In this respect, we would wish to draw specific attention to paragraph 3.11 of the adopted MPCAA which states specifically that **areas of hard standing between the front and side of a house and the road should be no more extensive than is reasonably necessary to park and turn vehicles.**

In our opinion the additional area of hardstanding is excessive and consequently we would wish to formally object to an increase that is more than reasonably necessary due to the material harm that will be caused to the openness of the site frontage, by virtue of the fact that the majority of the front garden area is shown to be given over to what we consider to be synonymous with heavily urbanised hard-surfaced areas as opposed to protected/designated Conservation Areas. We submit that this represents another unacceptable element of the latest application that should lead to it being refused.

8. Finally, we note that imprecise references are made in the latest application to "repositioning of gates and walls to frontage", but without the submission of any details or elevations to demonstrate what this "repositioning" might appear like or how it might impact the visual appearance of this pre58 dwelling within the Conservation Area street-scene.

The Council will be aware that paragraph 3.12 of the approved MPCAA states that:-

*"The open character of the frontages in the conservation area is one of its most pleasant features...Walls, metal gates and railings will not be considered to be sympathetic as these are likely to alter the area's appearance".*

It is our view that any new frontage treatments that are incongruous in terms of location, design or height would represent wholly inappropriate development that would have an adverse and significantly detrimental, urbanising impact on the character, openness and visual amenity of this prominent corner plot, the adjacent street scene and the wider Conservation Area.

As a result, we would request that the Council has full regard to these material planning concerns in the assessment and determination of the application and that any aspects of the proposed "repositioning of gates and walls" that would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to the objectives and provisions of paragraph 3.12 of the approved MPCAA, should be removed/amended or refused.

Finally, and for the avoidance of doubt, we shall again seek Member support to **call in** the application if the Council's officers are minded to recommend the scheme favourably, despite the still very substantial extent by which

- i. the scheme materially fails to recognise or respect the character and appearance of the existing/host dwelling and designated Conservation Area and
- ii. by virtue of the fact that it demonstrably fails to respect, recognise, take into account, or address and substantially overcome both the Council's recent refusal and the material planning and specific conservation issues clearly raised and objected to in the Inspector's appeal decision letter.

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

Officer Comment: Following the receipt of amended plans Moor Park 1958 Ltd. was re-consulted however at the time of writing no additional comments had been received.

#### 4.1.4 Conservation Officer: [Objection]

This application is for the partial demolition of the existing dwelling and erection of part single, part two-storey side and rear extensions with loft conversion including part increase in ridge height and alterations to vehicular access and driveway and repositioning of gates and walls to frontage.

The property is located in the Moor Park Conservation Area. The character and appearance of the Conservation Area derives from the low density "Metroland" development planned on a comprehensive scale in the 1930s. Number 13 Heathside Road dates to the mid-1950s and retains many of its original architectural details including metal framed windows with leaded lights, tiled door surround, first floor oriel window and decorative brickwork arch above the front ground floor window. Its red brick elevations and hipped roofs are typical of 1950s development in the area. The property is considered to make a positive contribution to the area.

This proposal follows several previous full applications for a similar scheme (19/2260/FUL, 20/1507/FUL, 21/1093/FUL) as well as pre-application (20/0675/PREAPP). All of which identified 'less than substantial' harm to the significance of the Conservation Area by detracting from a property of positive contribution by virtue of the scale, mass and appearance of the proposals. An appeal relating to 20/1507/FUL was also subsequently dismissed (ref: APP/P1940/D/20/3262206).

I acknowledge that there have been some alterations to the previous scheme (ref: 21/1093/FUL). However, these do not go far enough to address previous concerns. The proposal still results in the substantial increase in the scale and massing of the property, undermining and fundamentally altering existing property which is considered to make a positive contribution to the Conservation Area's significance.

Raising of the ridge would not be supported in principle, raising the ridge would erode and dilute the original scale of the property, detract from a property that makes a positive contribution and thereby result in harm to the Conservation Area. As previously noted within the dismissed appeal and conservation advice extensions should remain subservient and respectful of the existing property. The proposed side and rear elements remain substantial and severely detract from the property's existing and original appearance. The extensions would almost double the footprint of the existing property and would undermine the property's relatively unaltered form. The proposal would engulf the property in modern extensions, detracting from the primacy of the host building. The depth of the side and rear extension also results in an unsympathetic flat roof section (crown roof) which would not be supported. The appraisal states: Flat roofs or flat sections to a pitched roof (eg truncating a

roof with an artificial ridge surrounding an area of roof) reflect a form not in keeping with the traditional design of houses in Moor Park, and are therefore unacceptable.

There is scope to sympathetically extend the property, however, any extension would need to be significantly smaller than that proposed and should be well set down from the existing ridge and significantly set back from the principal elevation. This will ensure that the extension is subservient and legible as a later addition. I acknowledge that the existing single storey extension is flush with the principal building line, however, it remains subservient by virtue of its single storey scale.

There are still concerns regarding the loss of historic fabric, the extensions would result in a significant amount of the property being demolished and the roof structure would be almost entirely rebuilt, leaving little of the original fabric retained. The loss of such a significant proportion of the property would have a cumulative negative impact on the significance of the Conservation Area by loss of authentic historic fabric. As well as detracting from a building that makes a positive contribution by virtue of its derivation and appearance.

There are concerns regarding the repositioning of the principal entrance; centrally placing the entrance door would undermine the original and asymmetrical appearance of the property which is a positive and common attribute of 1930s/1950s dwellings. Full height glazing to the front of the property would not be supported as it is an atypical feature for the front elevation. With regard to the fenestration at the rear, it was noted in previous advice that the fenestration was bland and modern, adding glazing bars to the windows is not considered to address this concern. The fenestration, particularly at ground floor, could be rationalised.

The proposed extent of hardstanding to the front of the property remains a concern. As per previous advice: The Conservation Area Appraisal states: Extensive hard surfacing will not be considered to be sympathetic to the open character of the frontages in the conservation area. Areas of hard standing between the front and side of a house and the road should be no more extensive than is reasonably necessary to park and turn vehicles. The open character of the frontages in the conservation area is one of its most pleasant features.

The proposals would, therefore, fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 199.

Officer Comment: Following the receipt of amended plans the Conservation Officer was re-consulted however at the time of writing no additional comments had been received.

#### 4.1.5 Landscape Officer: [No objection subject to condition]

The site seems to have a number of mature and semi mature trees, mainly around the boundary although some to the front are located more prominently within the grounds.

Work to the rear of the property has the potential to negatively impact on the approximate Root Protection Areas (RPA) of some of the trees, neighbouring trees and mature hedging in this area through damage/severance to roots, changes to soil levels, contamination to soil and direct damage to stems and crowns during construction. The changes to hardstanding to the front of the property have the potential to impact on adjacent trees and may require tree removal to allow the proposed changes to proceed. Storage and movement of materials and plant has the potential for compaction within the RPAs of adjacent trees and also direct damage to the stems and crown of trees. Although it is feasible works could proceed with the appropriate tree protection and specialist construction methods the details of these need to be agreed in writing prior to works commencing on site.

If the application is granted it is recommended that a dischargeable condition is included that a scheme in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction' for all the trees located within 15m of the site shall be submitted to and approved in writing by the Local Planning Authority.

4.1.6 National Grid: No response received.

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 10

4.2.2 No of responses received: 1 objection, 0 letters of support

4.2.3 Site Notice: Posted: 23.09.2021 Expired 14.10.2021

Press notice: Published: 24.09.2021 Expired: 15.10.2021

4.2.4 Summary of Responses:

- Proposal is akin to demolition of dwelling
- Increase in ridge will overwhelm the site and impact on neighbouring property
- Features of new dwelling at odds with existing house in vicinity
- Impact on neighbouring amenity in terms of light and privacy
- Development will cause disruption during and damage to surrounding roads and verges

4.2.5 Re-consultation following receipt of amended plans:

4.2.6 Number re-consulted: 10

4.2.7 No of further responses received: 0 objections, 0 letters of support

## **5 Reason for Delay**

5.1 Amended plans received & Committee cycle.

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

6.1 National Planning Policy Framework and National Planning Practice Guidance

In 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 Development Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM4, DM6, DM13 and Appendices 2 and 5.

### 6.3 Other

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

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

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

The Moor Park Conservation Area Appraisal was approved by the Executive Committee of the Council on the 27th 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 Background

- 7.1.1 This application follows a previously refused application referenced 20/1057/FUL. This refused application was appealed and subsequently dismissed by the Planning Inspectorate referenced APP/P1940/D/20/3262206. The reason for refusal of application 20/1057/FUL is set out in full at paragraph 1.2 of this report but in summary it was considered that the development would harm the character of the original pre-1958 dwelling and the wider Moor Park Conservation Area.
- 7.1.2 This current scheme which has been amended during this application process proposes a much reduced scheme in comparison to the previously refused application. The key differences include a reduction to the overall scale of the extensions as evidenced from the gross external area of the extensions reduced down from 149sqm to 67sqm; the scheme no longer involves a 'L' shaped wraparound development and instead proposes only a two storey side extension and separate two storey rear extension; there is no increase in ridge height to the original dwelling and the scheme no longer includes a basement. Finally, there are no major roof alterations and greater proportion of the original pre-1958 dwelling is being retained – particularly the principal elevation.
- 7.1.3 Therefore it is necessary for this report to assess the planning merits of the current scheme, including whether it overcomes the previous reasons for refusal which is a significant material consideration that carries weight in the assessment of this application.

## 7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 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' and 'conserve and enhance natural and heritage assets'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment. The Design Guidelines outlined at Appendix 2 states that extensions must not be excessively prominent in relation to adjacent properties or to the general street scene and should respect the character of the property/street scene particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.2.3 As the site is located within the Moor Park Conservation Area, 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.
- 7.2.4 The Moor Park Conservation Area Appraisal (2006) provides supplementary planning guidance and is a material planning consideration in the assessment of applications within the Moor Park Conservation Area.
- 7.2.5 Paragraph 3.1 of the Appraisal is relevant to assessment of this application which 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. Paragraph 2.7 is also of relevance which states 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".
- 7.2.6 The application dwelling dates to the mid-1950s and retains many of its original architectural details including metal framed windows with leaded lights, tiled door surround, first floor oriel window and decorative brickwork arch above the front ground floor window. Its red brick elevations and hipped roofs are typical of 1950s development in the area and therefore the property makes a positive contribution to the area. In dismissing the previous appeal the Inspector acknowledged the dwelling's contribution to the Conservation Area noting that its relatively unaltered form is indicative of the original character of the Conservation Area which the appraisal is clear in its intention to protect. Furthermore, the Inspector noted that the site is prominent in its location as a result of both the higher land level upon which it sits as well as the corner plot itself. Its prominent location does, therefore, make it more sensitive to change because of the readily available views in the public domain. However the Inspector commented that this is not to say that the dwelling should remain unaltered at all but only serves to emphasise the importance of any proposed alterations being sensitively designed with both the host dwelling and setting within the Conservation Area in mind.
- 7.2.7 The Moor Park Conservation Area Appraisal sets the following guidance which dwellings in the Moor Park area should adhere to:
- Plot coverage of 15%.
  - Building line width of 80% at the front building line.
  - Minimum 1.5m gap maintained between dwellings and flank boundaries.

- 7.2.8 The application site measures approximately 1715sqm in area. As existing the building footprint (including the detached garage) measures approximately 127sqm in area. The proposed development would result in an increase of built form footprint within the site by approximately 67sqm resulting in a total of 194sqm - this equates to approximately 11.3% plot coverage, thus falls within the guidance above. In comparison, the previously refused application 20/1507/FUL resulted in increase of approximately 149sqm - a total floorspace of 276sqm which equated to a 16% plot coverage.
- 7.2.9 With regards to the plot width coverage the plot measures approximately 25 metres in width and the dwelling has a front building line width of approximately 18 metres equating to a 72% plot width coverage which conforms to the Moor Park Conservation Area Appraisal and there would be spacing to flank boundaries ranging between 2-4.5 metres. This remains the same as the previously refused scheme under 20/1507/FUL.
- 7.2.10 The Appraisal further states the bulk and massing of large extensions or replacement houses will also be considered in terms of consistency with the characteristic building form of the Conservation Area. Deep floor plans that entail substantial rearward projection at flank walls, tend to block oblique views of tree and garden back drops from the street past houses on the street frontage. Where this affects the spacious character of the conservation area and gives the impression of space between houses being reduced or gaps being closed up, deep floor plans are unlikely to be acceptable.
- 7.2.11 The Conservation Officer was consulted on the application and initially raised an objection to the proposed development based on the original plans submitted. They acknowledged that whilst there were differences to the refused scheme 20/1057/FUL the proposal still resulted in the substantial increase in the scale and massing of the property thus undermining and fundamentally altering the existing property which as earlier highlighted contributes positively to the Conservation Area. Specific regard was had to the increase in ridge height which the Conservation Officer objected to the principle given that it would erode and dilute the original scale of the property. They also considered the side and rear extensions to be substantial given that they would double the footprint of the dwelling and would severely detract from the property's existing and original appearance. They also did not support the inclusion of a crown roof form. Finally, they held concerns regarding the loss of historic fabric of the building, the extensions would result in a significant amount of the property being demolished and the roof structure would be almost entirely rebuilt, leaving little of the original fabric retained.
- 7.2.12 Following receipt of the comments from the Conservation Officer amended plans were received. The amendments are listed at paragraph 3.7 of this report. This also included an overlay plan detailing the walls to be retained of the original dwelling and those proposed. Previous concerns were held with regards to the extent of demolition of the original dwelling and the loss of the original features. The overlay plan indicates that a greater proportion of the original dwelling would be retained including the principal elevation in comparison to the previously refused scheme which was tantamount to a demolition and rebuild scheme.
- 7.2.13 The proposed side extension is located to the eastern flank elevation and no longer results a wraparound extension which subsumes the original dwelling. The side extension would not extend the built form of the application property any closer to the boundary with 11 Heathside Road or beyond the original rear elevation, at ground floor the extension would largely infill the gap between and behind the linked garage. As a result of the amendments the first floor level has been further set in from the outside flank of the ground floor element and the ridge set down from the main ridge of the dwelling. It would not project forward of the principal elevation of the host dwelling and the incorporation of a catslide roof form would allow the original two storey hipped front projection to remain a prominent and distinguishable feature within the front façade. The removal of the flat roof form and the introduction of a traditional hipped roof form to the side extension reduces the massing of this element. The reduced depth of the first floor element ensures that the depth is not considered to be excessive and would not result in an overly long flank elevations relative

to the existing building or appear disproportionate in scale to the depth of the original building. As a result the side extension now appears appropriate in scale and read more as a subservient addition to the original dwellinghouse. As a result of the subordinate scale and siting of the extension, the original dwellinghouse would still be highly legible.

- 7.2.14 With regards to the front dormer window within the catslide roof, this was amended and reduced in size. The size and scale of this feature would be read as a subordinate feature within the roofslope set in from the flanks and back from the edge of the roof and well set down from the ridge. Thus the dormer would accord with the design criteria of Appendix 2. The design of the dormer reflects the existing two storey front projection to include a hipped roof form.
- 7.2.15 At the rear the proposed two storey rear extension would have a depth of 2 metres which is not considered to be significant in the context of the depth of the original dwellinghouse and would not appear as a disproportionate addition. The extension would have a hipped roof form which would be a continuation of the roof form of the existing hipped projection at the rear. Due to its location at the rear it would not be readily visible from Heathside Road and would not impact on the character and appearance of this streetscene. Whilst there would be some views of the extension from Heathside Close, given that the extension would be located centrally within the rear elevation and well set in from the east boundary its prominence would be reduced and is considered acceptable.
- 7.2.16 The proposed development only proposes the introduction of ground floor windows to the garage and linked walkway to the existing front elevation of the dwelling. There is also no increase to ridge height of the original dwelling. In light of this, the architectural merits of the pre-1958 dwelling as viewed from the street would be unaffected by the proposed development. Thus, this aspect of the scheme is not considered to adversely affect the character and appearance of the dwelling.
- 7.2.17 The original plans included the addition of two rooflights within the rear roofslope. Given the corner plot location these rooflights would be visible from Heathside Close. The Conservation Appraisal does state that rooflights are considered an incongruous feature of the conservation area and any proposed rooflight visible from the street are unlikely to be acceptable. As such, the amended scheme removed these features from the proposal.
- 7.2.18 The Conservation Officer were consulted on the amended drawings but no comments were received at the time of preparing this report. Any responses received will be reported at committee. Notwithstanding this, overall it is considered that the proposed extensions would constitute a proportionate addition to the host dwelling and, whilst moderately increasing its overall scale, would preserve its overall character and appearance and retain its architectural merit. The proposal is therefore not considered to result in any harm to the heritage asset.
- 7.2.19 The proposal does include an increase to the extent of hardstanding within the frontage of the site. This is the same level of hardstanding proposed under application 20/1507/FUL and the hardstanding was referred to within the reason for refusal. Officers sought amendments to reduce the extent of hardstanding, however none were received and the applicant referred to the Inspector's comments in determining the appeal in respect of 20/1507/FUL. In determining the appeal the Inspector acknowledged that the proposed hardstanding was a notable increase compared to existing. However, they noted that given the hardstanding was set back from the road this allowed the opportunity for soft landscaping in addition to the maintenance of the boundary hedges and trees, as well as the external grass verge, would assist in maintaining the green appearance of the site. The Inspector considered that such landscaping could be secured by condition. Thus they did not find that the increase in hardstanding would erode the open character of the site or adversely impact upon the Conservation Area even when taking into account the prominent corner plot location. As such, subject to the inclusion of a landscaping condition to any grant of planning permission, no objection is raised to the hardstanding.

7.2.20 In summary, the proposed development would preserve the character and appearance of the dwelling and Conservation Area and would not result in any demonstrable harm to the character and appearance of the host dwelling or Conservation Area. As such, the development would comply with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the Moor Park Conservation Area Appraisal.

### 7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document also set out that extensions 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. The Design Criteria at Appendix 2 states that ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence wall or evergreen hedge.

7.3.2 In this case, the application site only has one direct neighbour, 11 Heathside Road. The site does not back onto a neighbouring site and 15 Heathside Road is separated from the site by the junction of Heathside Close. With regards to 11 Heathside Road this neighbour is set off the common boundary by 5 metres. Furthermore, this neighbour is sited on a higher land level and has a splayed relationship where its rear elevation is angled away from the common boundary with the application site. As such, whilst it is noted that the proposed extended dwelling would project deeper than this neighbouring property it is not considered that it would result in loss of light or become an overbearing form of development towards this neighbouring property to the east.

7.3.3 With regards to overlooking, the glazing contained within the front and rear elevations of the dwelling would primarily overlook the site frontage and the private amenity space and would not cause any unacceptable levels of overlooking to neighbouring properties. There is no first floor flank glazing contained within the flank elevation facing towards 11 Heathside Road. Whilst there are two flank rooflights within the roof of the two storey rear extension they would be at high level such that they would not facilitate the opportunity for overlooking towards this neighbour. Notwithstanding this, a condition would be attached to any consent requiring these windows to be positioned 1.7 metres above internal floor level to further prevent any overlooking.

7.3.4 In conclusion, subject to conditions, it is not considered that the proposed development would result in a significant adverse impact on neighbouring dwellings and the development would be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

### 7.4 Amenity Space Provision for future occupants

7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision. The application dwelling benefits from a large private amenity space which is considered more than sufficient to accommodate the proposed development and continue to provide adequate level of amenity space to serve the dwelling.

### 7.5 Wildlife and Biodiversity

7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further

emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of 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. The site is not in or located adjacent to a designated wildlife site. However, given the nature of the proposed development involving the demolition of the existing bungalow and informative will be added advising the applicant on what to do should bats be present on site.

## 7.6 Trees and Landscaping

7.6.1 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'.

7.6.2 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:

- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- ii) 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 Hedgerow Regulations 1997.
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.
- iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.6.3 The application site contains a number of trees which are afforded protection by the conservation area designation. The Landscape Officer was consulted on the application and considered that the work to the rear of the property has the potential to negatively impact on the approximate Root Protection Areas (RPA) of some of the trees, neighbouring trees and mature hedging in this area. In addition, the changes to hardstanding to the front of the property have the potential to impact on adjacent trees and may require tree removal to allow the proposed changes to proceed. Although they acknowledged it is feasible that works could proceed with the appropriate tree protection and specialist construction methods, the details of these need to be agreed in writing prior to works commencing on

site. As such, they raised no objection subject a tree survey and protection plan in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction' for all the trees located within 15m of the site to be submitted to and approved in writing by the Local Planning Authority.

## 7.7 Highways, Access and Parking

7.7.1 Policy CP10 of the Core Strategy (adopted October 2011) requires development to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.

7.7.2 The proposed development would involve the closing up of the existing access and the formation of a new access point from Heathside Close. A condition would be attached to any grant of planning permission to ensure the existing access is closed up prior to occupation of occupation of the dwelling.

7.7.3 The proposed dwelling would contain six bedrooms. This would require three off-street parking spaces within the curtilage of the plot. The proposed development would result in the loss of the existing garage on site however the existing driveway is shown to be extended to accommodate space for at least three vehicles which would meet the required parking standards.

## 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:

042/EX/100 REV-A; 042/EX/001 A; 042/EX/002 A; 042/EX/104 A; 042/EX/101; 042/EX/102; 042/EX/103; 042/EX/104; 042/EX/120 REV-A; 042/EX/121 REV-A; 042/EX/161 REV-A; 042/PL/204 REV-K; 042/PL/220 REV-K; 042/PL/221 REV-K; 042 PL 210 REV-C; 042 PL 211 REV-C; 042 PL 212 REV-C; 042 PL 213 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 the Moor Park Conservation Area Appraisal (2006).

C3 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed facing brick 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 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 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).

- C5 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).

- C6 No development 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 within the frontage of the site, 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 in accordance with BS5837.

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.

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 (ie 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 Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 The existing vehicular access to the site shall not be incorporated in the development hereby permitted and shall be closed and abandoned and footway and/or verge crossings shall be re-instated to the satisfaction of the Local Planning Authority within one month of the completion of the new access.

Reason: In the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

## 8.2 **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](mailto: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](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works it is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- I2 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.
- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of

development that maintains/improves the economic, social and environmental conditions of the District.

- 14 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](http://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).