

## PLANNING COMMITTEE – 20 JANUARY 2022

### PART I - DELEGATED

**8. 21/2453/FUL – Joint Application: Part single, part two storey extension to No. 10 including an increase to the ridge height of the existing outbuilding and single storey rear extension to No. 9 with associated works at 9 AND 10 CHORLEYWOOD BOTTOM, CHORLEYWOOD, WD5 5JB**

(DCES)

Parish: Chorleywood Parish

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 15.12.2021

Case Officer: Lauren Edwards-Clewley

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: Called in by 3 members of the planning committee unless Officers were minded to approve in order to assess the impact of the proposal on the Chorleywood Common Conservation Area.

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

- 1.1 09/1304/FUL - Two storey side and rear extension, single storey rear extension and conversion of outbuilding to residential accommodation at No.9 Chorleywood Bottom – Permitted and implemented
- 1.2 14/0432/FUL - Single storey rear extension at No.9 Chorleywood Bottom- Permitted but not implemented
- 1.3 21/1215/FUL - Part single, part two storey extension to No. 10 including an increase to the ridge height of the existing outbuilding and a single storey rear extension to No. 9 Chorleywood Bottom with associated works - Withdrawn.

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

- 2.1 The application site is located on the northern side of Chorleywood Bottom, Chorleywood. The application site encompasses both No.9 and No.10, a pair of two storey semi-detached dwellings.
- 2.2 No.9 has an existing two storey side extension together with a two storey rear projection. A single storey linked extension to a rear outbuilding also exists, the front half of which is occupied by No.10. Full first floor plans of No.9 have not been submitted.
- 2.3 No.10 has an existing part single, part two storey rear extension and as above, use of the rear outbuilding No.10 has a parking area to the west of the frontage which can accommodate one car. No.9 has no on-site parking provision currently.
- 2.4 The gardens serving the dwellings are to the east and are enclosed by close boarded fencing. No.10 does not have direct access from the dwelling to the garden with a footpath providing access, running parallel with the northern boundary.
- 2.5 To the north west of the application site there are terrace dwellings fronting Lower Road. To the north are the rear gardens of the properties fronting North Road. To the east are properties in Lawrence Orchard. The front elevations of these dwellings face towards the eastern flank boundary of the application site.
- 2.6 With regards to policy designations, the application site is located within the Chorleywood Common Conservation Area.

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

- 3.1 The proposal includes a joint application for the erection of part single, part two storey extension to No. 10 including an increase to the ridge height of the existing outbuilding and single storey rear extension to No. 9 with associated works.
- 3.2 In respect of No.9, the proposed single storey rear extension to No.9 would extend 4.6m eastwards beyond the existing side projection and would have a slightly splayed elevation at the point where it adjoins the eastern elevation of the existing outbuilding. This element would have a flat roof with a height of 3.3m from the land level adjacent to rear of No.9 and a maximum height of 3.8m where the levels drop to the north.
- 3.3 In respect of No.10, the existing outbuilding would be increased in height resulting in a new first floor level with an overall height measuring 6.1m to the east and 5m to the west, owing to the step in land levels. At first floor level a window and ground floor doors are proposed to be inserted in the eastern gable end (rear) and flank rooflights are also proposed within this section together with ground floor windows to serve a new kitchen/dining area. A link section would also be created in line with the new ridge of outbuilding to adjoin the rear elevation of No.10 at first floor level to allow for the re-location of the staircase within a two storey infill extension which would project 1.4m beyond the existing bathroom and would splay towards the east in line with the existing outbuilding. This would create a flat roof section between the main rear elevation and the extended outbuilding. The existing footprint of the outbuilding would be increased at ground level by a maximum of 2.8m to the west to allow for the creation of a new entrance to No.10
- 3.4 The existing boundary between the gardens of No.9 and No.10 would be re-positioned such that a triangular parcel of No.10's garden would be given to No.9 adjacent to the proposed new kitchen/diner serving No.9 and a portion of garden currently occupied by No.9 would be given to No.10 to allow direct access to their garden from the rear patio doors of their kitchen.
- 3.5 The existing raised area of hard surfacing adjacent to the parking space within No.10 would be removed to allow for the creation of an additional level parking space. Soft landscaping would be provided to the side and rear of the parking area.
- 3.6 The application was submitted with a covering letter as opposed to a separate Heritage Statement.
- 3.7 Additional plans were received during the course of the application to provide some clarity surrounding land level changes. These plans also amended the ground floor windows in the northern elevation of the outbuilding section to sash windows and the patio doors serving both No.9 and No.10 were also amended to a French window design. Additionally the roof lantern has been omitted from the single storey rear extension to No.9 and this element reduced in height to accurately reflect the land levels.
- 3.8 This application follows a previously withdraw scheme (21/1215/FUL) the changes between this scheme and the one before the committee are summarised as follows:
- Reduction in the extended height of the outbuilding
  - Increased depth of the outbuilding replacing part single, part two storey flat roofed section

### **4 Consultation**

#### **4.1 Statutory Consultation**

- 4.1.1 Chorleywood Parish Council: [No objections]

*The Committee wish to CALL IN this application as the applicant is a Parish Councillor.*

*The Committee had no Objection to this application and felt that the application is an improvement to application 21/2125.*

**Officer comment:** Following receipt of the Parish Council's original comments above, the Case Officer advised the Parish Council that the Local Planning Authority (LPA) did not consider that because one of the applicants was a Parish Councillor, that the application should be heard by the Planning Committee at Three Rivers District Council (TRDC), having regard to the Council's Constitution. Nevertheless, in the interim period the application was called in separately by 3 Members of TRDCs Planning Committee.

- 4.1.1.1 Additionally, upon the publication of the comments from the Conservation Officer the Parish Council provided the following additional comments:

*"The Chorleywood Conservation area was created approximately 15 years ago. Various planning decisions have impacted this area adversely.*

*Size and visibility - whilst this is a proportionally large extension, the main visible elements seem to be in keeping with the rest of the property and would maintain the look and overall style. None of the neighbours seem to feel that the new elements would be overly dominant. If anything, the new layout is probably less awkward. The parish Council do not understand the "uncomfortable" bit as it is in keeping).*

*With regard to not being visible not equating to lack of harm, the reference to an appeal decision about a house which was an "Exhibition House" is not really comparable - these cottages are not listed and, whilst the road view is helpful to the conservation area, they are not particularly historic. We have seen many applications in conservation areas where, as long as the "odd" bit is not visible, it has been considered acceptable - just one case in point is 20/2206 where a flat roof not in keeping was acceptable because it hidden from wider view by a front gable.*

*Again, the Parish Council see many applications with flat roofs with lantern roof lights in conservation areas accepted as long as they are not visible - case in point 18/1171 which was accepted where the extension is at the back of the property and not visible from the road.*

*Windows - The Crittall doors are somewhat inconsistent. However, it should be noted that the windows in the property are already ununified (sash windows at the front and casement windows at the back. The Parish Council doesn't see it as critical as it is not visible from the wider conservation area, and we are sure these are not the only bifold doors in the Common Conservation Area.*

*Chorleywood Parish Council do not understand why the importance of this area has increased with regard to this application.*

*In the Draft Chorleywood Common Conservation Area Appraisal dated 2009 - Character zone C - nothing in the plan relates to these cottages.*

*There is no mention of the impact of this change, which does not impact the 4 listed neighbouring properties.*

- 4.1.2 Conservation Officer: [Objection]

*This application is for a part single, part two storey extension to No. 10 including an increase to the ridge height of the existing outbuilding and single storey rear extension to No. 9 with associated works.*

*The property is located in the Chorleywood Common Conservation Area.*

*This application follows a previous, similar application (ref: 21/1215/FUL) which was subsequently withdrawn. Concerns were raised regarding the appearance of the single storey extension, the disproportionate scale of the extensions compared to the host which would have subsumed the property and significantly detract from the small scale of the host. The proposed scheme is largely the same as previously proposed; there have been minor amendments including alterations to the angle of the ridge and slight reduction in the height of the two storey extension.*

*This does not address previous concerns. The proposed extensions remain large and overly dominant. The footprint of the proposed extensions would almost double the footprint of the existing house, sprawling the footprint and significantly undermining the planform and cottage scale and character of the two dwellings. The two-storey rear extension of the extension would be visible from the streetscene, whilst such views may only be glimpsed views, the proposed extensions would be clearly visible from the gardens of neighbouring properties which are also situated in the Conservation Area; lack of visibility does not equate to lack of harm.<sup>1</sup> The extensions result in an awkward and uncomfortable arrangement to the rear of the properties and would not be sympathetic additions to a property located in a Conservation Area.*

*Large areas of flat roof are proposed at ground and first floor which undermines the traditional form of the host and would not be acceptable. The single storey extension with roof lantern does not correspond to the appearance of the existing building with excessive glazing and the parapet sitting just under the first floor cill and the roof lantern projection above. This results in the extension being overly dominant and bulky.*

*The fenestration treatment is un-unified and un-relating to the character of the host dwellings; Crittall style patio doors, modern bi-folds, sash windows, fixed rectangle windows and sash windows fitted in wrongly proportioned openings erode the architectural quality of the host and the wider Conservation Area.*

*The properties in its current form positively contributes to the character and appearance of the Conservation Area, the proposal would diminish this contribution by detracting from the architectural quality and scale of the host.*

*The proposals would 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 202. 'Great weight' should be given to the heritage asset's conservation as per paragraph 199.*

*There would be no in-principle objection to sympathetic extensions to the rear of this property. However, careful consideration should be given to the scale and architectural interest of the host as well as the character and appearance of the Conservation Area.*

4.1.3 National Grid: No comments received

## **4.2 Public/Neighbour Consultation**

4.2.1 Number consulted: 14

4.2.2 No of responses received: 1 objection, 17 letters of support (from a wide geographical area)

4.2.3 Site Notice: Expired 18.11.2021

Press notice: 26.11.2021

4.2.4 Summary of Responses:

Summary of objection:

- Adverse impact on the Conservation Area
- Too Close to boundary
- Overshadowing
- Overlooking

Summary of supporting comments received:

- Current situation doesn't lend itself to a decent living environment
- Outbuilding is in poor condition
- Occupiers have to live without direct access to the garden
- Impressive owners of No.9 and 10 have worked together
- Not visible from Chorleywood Bottom
- Where is it visible will be an improvement
- Alterations to frontage are an improvement
- Proposal is sensitive and in keeping with dwelling and Conservation Area
- Well designed with no negative impact
- There are no objections from local people or neighbours
- Will bring consistency to current layout

## **5 Reason for Delay**

5.1 To allow for the consideration of additional documentation.

## **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, DM6, DM13 and Appendices 2 and 5.

Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020). Policies 1 and 2 are relevant.

Chorleywood Common Conservation Area Appraisal (2010) is also relevant.

### 6.3 Other

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

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

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

## 7 **Planning Analysis**

### 7.1 Impact on Heritage Asset and Street Scene

7.1.1 Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that 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. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) advises that development should not appear excessively prominent. Appendix 2 of the Development Management Policies advises that first floor side extensions should be set in from the boundary by 1.2m to prevent a terracing effect although this should be increased in lower density areas to retain the character of the area. Policy DM3 requires development to preserve or enhance the character and appearance of the Conservation Area.

7.1.2 The Chorleywood Neighbourhood Plan is also relevant. Policy 2 of the Chorleywood Neighbourhood Plan states:

‘All development should seek to make a positive contribution to the ‘street scene’ by way of frontage, building line, scale and design.’

7.1.3 Policy 1 of the Chorleywood Neighbourhood plan outlines that development within the Chorleywood Common Conservation Area should have regard to the relevant part of Annex C1 and should preserve or enhance the character of the Conservation Area.

7.1.4 The test set out in Policy DM3 outlines that proposals must seek to preserve or enhance the character and appearance of the Conservation Area. By virtue of the overall scale of the proposed extensions it is not considered that the proposal complies with this test as the extensions would subsume the form of the existing dwelling to the detriment of its character. Thus result in adverse impacts to the wider conservation area and therefore resulting in less than substantial harm to the heritage asset contrary to the NPPF. This is expanded upon further below.

7.1.5 No.9 has undertaken a number of previous extensions including a two storey side and rear extension and a flat roofed extension which adjoins the main building with a former detached outbuilding (reference 09/1304/FUL). The heritage letter submitted with the application acknowledges that the outbuilding (serving No.10) is of architectural interest and that it is only part of this building which has been unsympathetically restored and extended

via the flat roof link. No.10 has also undertaken a two storey rear extension. The existing extensions, particularly the flat roofed single storey link to the outbuilding at No.9, are not sympathetic additions. In their original form they were two small semi-detached properties, however, by virtue of the larger two storey side extension they now appear as a row of terraces which has undermined the historic interest of the properties. Consequently, new development at the site provides an opportunity for the incorporation of alterations which would better respond to the character and form of the original character of the dwellings. The presence of existing unsympathetic additions does not justify further harm.

- 7.1.6 The proposal would result in the presence of two storey built form extending 8m from the rear elevation at the deepest point, at a splayed angle, in contrast to the original footprint of the house. As a result of the proposed extensions virtually none of original rear elevation would be legible and a number of different roof forms would be created, with the pitched roof and gable ended extension meeting a flat roof before adjoining with the original pitched roof and hipped roofed two storey extension. It is acknowledged that views of the rear elevation would not be as apparent as the front elevation; however the test still remains as to whether the extensions preserve or enhance the character and appearance of both the host dwelling and wider conservation area. The existing outbuilding does hold some architectural merit, as acknowledged by the documents supporting the application, and still appears, when viewed in connection with No.10, as an ancillary building, but as highlighted above, the existing single storey flat roofed link at No.9 undermines its significance. Nevertheless, the outbuilding would be completely lost as a result of this proposal. The replacement built form would be of a greater scale and would overwhelm the existing dwelling and appear unsympathetic by virtue of the introduction of a first floor, its splayed form and prominent roof design. The disproportionality of the proposal is further exacerbated by the two storey link section to the main dwelling which also includes a partial flat roof section which fails to respond to any of the architectural style of the main dwelling and further identifies the contrived nature of the additional built form to the rear of the site. The original dwellings were built of a two storey cottage style and their plot shape and layout meant that it was unlikely that they could accommodate sympathetic extensions. Whilst some historic extensions have been undertaken these have predominantly been to No.9 and No.10 is very much still intact with only the addition of a smaller two storey rear extension. When read as a pair the existing extensions have undermined the original form and design of the dwellings. Whilst there is opportunity to improve the existing situation the existing unsympathetic additions do not give rise to justification of further unsympathetic additions which exacerbate the somewhat incongruous appearance of the existing additions. By virtue of the overall scale of the proposed extensions and further erosion of the original form of the dwelling the proposal fails to meet this test.
- 7.1.7 The proposed single storey rear extension to No.9 would result in a further addition to an original cottage which has already been heavily extended. The proposed single storey rear extension would be excessive in height, up to the collar of the chimney, which would detract from this characterful feature (although recognising it is not original). Whilst both single storey and infill in nature, the proposed extension more than doubles the depth of the ground floor and with its height almost up to first floor cill level of the new extension at No.10 fails to appear as a subservient addition to the existing dwelling. Whilst it is recognised that past extensions have undermined the historic and architecture interest of the property, the proposed extension would further erode its character, to such an extent that the original house would be unrecognisable. Whilst a roof lantern may not in itself be unacceptable this feature further exacerbates the unsympathetic nature of the proposed single storey extension and fails to respond to the design characteristics of the original part of the building. As a result, the proposed single storey rear extension fails to preserve or enhance the character of No.9.
- 7.1.8 The Conservation Officer also notes the assortment of differing fenestration styles however the amended plans received have sought to align the fenestration styles. Whilst this design detail change is, in itself, welcomed this does not overcome the disjointed and contrived

nature of the extensions when read individually and cumulatively. Additionally further detail would be required in respect of the proposed fenestration to confirm material, type and colour.

- 7.1.9 It is noted that the dwellings are not specifically noted within the Chorleywood Common Conservation Area Appraisal however that does not negate the requirement for the assessment of the impact on the character and appearance of the Conservation Area as a whole. The character of a Conservation Area is not just attributed to a select list of properties but rather its character as a whole. Whilst the application dwellings are not afforded statutory or Local Listing status by virtue of their location within the Conservation Area the test still remains in respect of ensuring development preserves or enhances the character of the Conservation Area as a whole.
- 7.1.10 It is noted that some changes have been made from the previously withdraw scheme however the applicant has failed to engage with Officers in the interim period by way of seeking pre application advice, a service which was strongly encouraged by virtue of the sensitive site constraints and complexity of the extensions proposed. Whilst not engaging in pre application advice is not material to the assessment of the application it is not considered that the current proposal makes meaningful steps to overcome the previous concerns highlighted by Officers at the time.
- 7.1.11 It is not considered that the proposed alterations to the layouts of the gardens would result in any adverse impacts to the character of the sites or wider Conservation Area.
- 7.1.12 Having regard to the NPPF, it is concluded that the proposed extensions would result in less than substantial harm to a heritage asset which in this case is the Chorleywood Common Conservation Area. The NPPF outlines at paragraph 202 that this harm can be outweighed by the evidence of public benefits. This is examined in section 7.7 of the report.
- 7.1.13 In summary, by virtue of their scale, siting and design, the proposed extensions would result in unsympathetic additions which fail to preserve or enhance the character or appearance of the host dwellings and wider Chorleywood Common Conservation Area, thereby resulting in less than substantial harm to the heritage asset. No public benefits have been identified which outweigh the identified harm. The development would therefore 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 Loudwater Conservation Area Appraisal (2013) and the NPPF (2021).

## 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 residential 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.
- 7.2.2 Appendix 2 of the DMP LDD outlines that two storey rear extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and positions of windows and development on neighbouring properties.
- 7.2.3 The proposed rear extensions to No.10 would be visible from the neighbouring properties along Lower Road. The closest neighbour is No.101 Lower Road whose flank boundary adjoins the northern boundary of the application site. It is acknowledged that the proposed two storey rear infill section and increased height of the outbuilding would be visible to this

neighbour, particularly when viewed from their rear garden. However the rear extension to No.10 would be sited 10m from the rear elevation of this neighbour. Given this, in addition to the orientation of this neighbour, such that its rear elevation faces slightly away from the application site and that the private most part of their amenity space would face a relatively modest section of the flank of the infill extension rather than the whole depth of the outbuilding, it is not considered that the proposed extensions to No.10 would result in an unacceptable overbearing impact or loss of light to this neighbour. No first floor windows would face towards this neighbour and the proposed rooflights would be conditioned in the event of an approval to have a cill height of at least 1.7m in order to mitigate against unacceptable overlooking.

- 7.2.4 As the proposal is for a joint application a condition would be included on any approval to ensure that the extensions to both properties are carried out simultaneously in order to prevent unacceptable harm to each other.
- 7.2.5 It is acknowledged that the proposed single storey rear extension serving No.9 would introduce a flank wall adjacent to the patio doors of No.10. The height of this wall is noted as is the northerly orientation of the rear of No.9. However owing to the splayed angle and clarification surrounding the height of this element shown in the amended plans it is not considered that this element would result in unacceptable harm.
- 7.2.6 The enlarged height of the outbuilding and first floor link section would be readily apparent from the rear windows of No.9. However No.9 also has an existing two storey rear projection and no habitable windows at first floor level facing north. Given this in addition to the angled nature of this element it is not considered that it would result in unacceptable harm to the occupiers of No.9.
- 7.2.7 Whilst additional first floor windows are proposed within the enlarged outbuilding at first floor level which would face towards the rear gardens of the No.10 and No.9 this is not an unusual relationship in a residential area. Therefore would not result in unacceptable harm.
- 7.2.8 In summary, the development is therefore considered to be acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD in this regard.

### 7.3 Amenity Space Provision

- 7.3.1 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. The Design Guidelines (Appendix 2 of the Development Management Policies document) set out that a three bed dwelling should provide 84sqm of amenity space and a four bedroom dwelling should provide 105sqm.
- 7.3.2 As a result of the proposed development No.10 would have 3 bedrooms and No.9 would have 4 bedrooms. Both properties would have at least 180sqm of amenity space which would comply with the guidance of Appendix 2 in this respect.

### 7.4 Parking and Access

- 7.4.1 Policy DM13 of the Development Management Policies LDD requires developments to ensure that sufficient parking is provided in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.
- 7.4.2 No.9 currently has no on-site parking provision however as a result of the proposal would not increase bedroom numbers. Thus, there would be no increase to the existing shortfall in parking.
- 7.4.3 No.10 currently has 2 bedrooms and would be increased to 3 bedrooms as a result of the proposed extensions. The frontage currently has parking for one car which will be increased

to two parking spaces by removing the existing raised section adjacent to the current parking space. As such the proposal would comply with Appendix 5 in this respect as 2 parking spaces would be required for a 3 bedroom dwelling.

## 7.5 Wildlife and Biodiversity

7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.5.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment

## 7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value.

7.6.2 The application site is located within the conservation area and as such all trees are protected. Notwithstanding this whilst on site it was ascertained that there are no significant trees which could be impacted by the proposed development. Details of the proposed hard and soft landscaping would be required by condition in relation to the details of hardstanding and the species/size of planting proposed.

## 7.7 'Public benefits' and planning balance

7.7.1 Paragraph 202 outlines that where a proposal would lead to less than substantial harm to a designated heritage asset, which is considered to be the level of harm identified by this proposal, Local Planning Authorities should refuse planning permission. This harm can only be overcome by demonstrating that the public benefits of the scheme outweigh the harm to the heritage asset

7.7.2 As outlined above it is concluded that the proposal would lead to less than substantial harm to a designated heritage asset which in this case is the Chorleywood Common Conservation Area. This identified harm can only be outweighed by public benefits.

7.7.3 The benefits to the occupiers of both No.9 and No.10 are noted. The submissions surrounding the view that the current property at No.10 is not of a suitable size that lends itself to a growing family is also noted. Notwithstanding this the benefits arising from the development are personal benefits to the occupiers and are not public benefits in planning terms. Thus there are no identified public benefits or any other factors in the planning balance which outweigh the identified harm to the Conservation Area.

## **8 Recommendation**

8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

- R1** By virtue of their scale, siting and design, the proposed extensions would result in unsympathetic additions which fail to preserve or enhance the character or appearance of the host dwellings and wider Chorleywood Common Conservation Area, thereby resulting in less than substantial harm to the heritage asset. No public benefits have been identified which outweigh the identified harm. The development would therefore 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 Chorleywood Common Conservation Area Appraisal (2010), Policy 1 of the Chorleywood Neighbourhood Plan (2021) and the NPPF (2021).

## 8.2 **Informatives:**

- I1 The Local Planning Authority has been positive and proactive in considering this planning application in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.