

PLANNING COMMITTEE – 14 JULY 2022

PART I - DELEGATED

7. 22/0595/FUL – Two storey front and side extension incorporating a basement, two storey rear extension and roof extension to form habitable accommodation including increase in ridge height and provision of dormers at THATCHES, LOUDWATER LANE, LOUDWATER, HERTFORDSHIRE, WD3 4HY

Parish: Chorleywood Parish Council

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 6 June 2022 Case Officer: Katy Brackenboro
(Extension of time agreed to 21 July 2022)

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called into Planning Committee by Chorleywood Parish Council for the reasons set out in full at 4.1.2 below.

1 Relevant Planning History

1.1 21/2025/FUL- Two storey front and side extension incorporating a basement, two storey rear extension and roof extension to form habitable accommodation including increase in ridge height and provision of dormers. Withdrawn. 20.10.2021.

1.2 20/2083/FUL - Two storey front and side extension incorporating a basement, two storey rear extension and roof extension to form habitable accommodation including increase in ridge height and provision of dormers. Withdrawn. 02.12.2020.

1.3 19/0989/FUL- Two storey front and side extension incorporating a basement, two storey rear extension and roof extension to form habitable accommodation including side dormer windows. Withdrawn. 30.07.2019.

1.4 18/0753/FUL- Two storey front and side extension incorporating a basement, two storey rear extension and roof extension to form habitable accommodation including dormers. Refused on 11.04.2018 for the following reasons:

R1: The proposal would significantly increase the bulk and mass of the dwelling with the size, scale and design of the two storey front and side extension together with the proposed roof extension to form habitable accommodation resulting in a disproportionate, contrived and unduly prominent northern and principle elevation causing demonstrable harm to the character and appearance of the host dwelling, street scene and Conservation Area. The development would therefore cause significant harm to the visual amenities of the area and would be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies document and the Outer Loudwater Conservation Area Appraisal (2007).

R2: The proposed development would result in a significant adverse visual impact on the residential amenities of occupants of the neighbouring dwelling to the north, The Brambles and would facilitate overlooking towards this neighbouring property, harmful to the amenities of the occupants of this neighbouring property. The proposal would not be acceptable and would fail to accord with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

Appeal Dismissed. 14.12.2018.

1.5 17/2120/FUL-Two storey front and side extension incorporating a basement, two storey rear extension and roof extension to form habitable accommodation including dormers. Withdrawn. 22.12.2018.

- 1.6 08/0978/FUL-Part retrospective: Erection of thatched entrance gateway. Permitted. 07.07.2008. Implemented.
- 1.7 05/0197/FUL-Erection of detached double garage. Withdrawn 12/07/2005.
- 1.8 04/1472/FUL-Erection of detached double garage. Withdrawn. 23.11.2004.
- 1.9 02/00247/FUL-Two storey front extension and basement. Permitted 26.04.2002. Implemented
- 1.10 00/01457/FUL-Two storey front extension and first floor rear extension. Permitted. 23.01.2001. Implemented.

2 Description of Application Site

- 2.1 The application site is located on the western side of Loudwater Lane, Loudwater. The host dwelling is a detached property with a thatched roof form, occupying a relatively large plot within the Outer Loudwater Conservation Area. From the front, the property appears as a bungalow, with the first floor accommodation contained within the roof and head height facilitated by front dormer windows. However from all other elevations the dwelling appears as a two storey building. The property has a two storey front extension and first floor rear extension and basement.
- 2.2 The dwelling is set back from the highway by approximately 34m. There is a thatched entrance gate to the property leading to a driveway with provision for at least three vehicles.
- 2.3 The frontage is set on three levels separated by a low level red brick wall with soft landscaping and are laid to lawn. To the rear is a relatively level garden. The application site is positioned on a prominent high level and is clearly visible from the road due to its elevated position. The land levels slope steeply uphill from the street toward the application dwelling and the neighbouring properties surrounding the application dwelling on all sides are on a lower land level in relation to the application dwelling.
- 2.4 The neighbouring property to the north-east, The Brambles, is a detached property which is set forward and set on a significantly lower land level compared to the host dwelling. The first floor of this neighbouring property is approximately level with the basement of Thatches.
- 2.5 The neighbouring property to the south-east, Wanstead, is also a detached property and is set forward and set at an angle in relation to the host dwelling. It has a detached garage which is located to the front of its plot closest to Loudwater Lane. Wanstead is located at a lower land level in relation to Thatches.
- 2.6 The rear gardens of the neighbouring properties at Parkholme and Cranhen are located to the south of the application site.

3 Description of Proposed Development

- 3.1 Full planning permission is sought for a two storey front and side extension incorporating a basement, two storey rear extension and roof extension to form habitable accommodation including increase in ridge height and provision of dormers.
- 3.2 The proposed two storey front and side extension would project from the northern flank of the application dwelling and hold a width of approximately 3.2m and have a maximum depth of 9.4m. The proposed extension would be set back 0.3m from the front building line at ground, first floor and second floor level. The proposed extension would consist of an office and w/c at ground floor, an additional bedroom at first floor and dressing room and additional bedroom within the roofspace. The proposed extension includes an increase to the size of the existing basement.

- 3.3 Front-facing windows are proposed on both floors, a window would be inserted into the northern flank at ground floor and first floor to serve the proposed w/c and bathroom.
- 3.4 The proposed two storey front and side extension would have a hipped roof form with a maximum height of 7.9m measured from ground floor level, with the side extension to be set down from the maximum height of the host dwelling and an eaves height of 4.5m measured from ground floor level.
- 3.5 The proposal would include a two storey rear extension. This would part infill the existing staggered rear building line and would project a maximum of 3m in depth from the recessed rear elevation and have a maximum width of 2.8m. It would have a hipped roof form with a maximum height of 7.9m and eaves height of 4.5m. Rear facing glazing is proposed. At ground floor level, two sets of double doors are proposed and portholes style windows are proposed at first floor level.
- 3.6 A new rear dormer is also proposed with the two storey rear extension with a height of 1.1m, width of 2.1m and depth of 1.3m.
- 3.7 The proposal would result in an increase of the existing ridge height of approximately 1.2m. The increased roof height, along with the proposed extensions, would result in a change to the existing roof form, from a roof with a U-shaped ridge and central valley, to a roof with a sunken flat crown infilling part of the existing valley.
- 3.8 To the northern side of the rear elevation, the ground levels are proposed to be lowered to match the existing lower level on the southern side of the rear elevation and to match the existing ground floor level of the main house.
- 3.9 A dormer window is proposed to the southern flank elevation. It would have a width of 2.1m, height of 1.3m and depth of 1.3m.
- 3.10 It is noted that this application follows the refusal of planning application 18/0753/FUL and its associated dismissed appeal. The differences between the current application and the refused scheme (appeal scheme) are noted below:
- 0.7m reduction in the width of the front and side extension and reduction in depth of 0.4m
 - Removal of the front bay window at basement, ground and first floor level and set back of side extension by 0.3m from the front elevation.
 - Omission of juliet balconies at first floor level, with two sets of patio doors at ground floor level and two porthole style windows are first floor.
 - The proposed dormer to the southern flank has been omitted in the current scheme.
 - The existing basement in the current scheme would be extended by 3m in width instead of 4.6m.
 - To the northern side of the house, the ground levels are proposed to be lowered to match the existing lower level on the southern side of the application site and to match the existing ground floor level of the main house. The previous application did not propose any land level alterations.
 - The basement would be obscured
 - The current proposal would include fewer windows within the front and side facades.

- The eaves height of the proposed front/side extension would match the eaves height of the remainder of the dwelling, including of the existing bay windows on the opposite flank elevation,

3.10.1 It is noted that this application follows a similar scheme which was withdrawn under planning reference number 21/2025/FUL. The differences between the current application and 21/2025/FUL are listed below.

- The existing elevations have been modified such that they accurately reflect all the elements, features and dimensions of the existing cottage.
- The proposal details shorter windows within the front face at ground floor level compared to the previous scheme.
- The current scheme includes sections to show that the proposed basement would be hidden from the site frontage whereas the previous scheme implied that it would be readily visible from the frontage.
- It is noted that the withdrawn scheme did not include a roof plan. The current scheme has been submitted with a roof plan which details the introduction of a crown roof.
- The proposed dormer and window to the right hand side have been omitted within the current scheme with one window to both the ground and first floor which this elevation.
- The current scheme details ground level alterations. The rear elevation levels are proposed to be lowered.

3.11 Amended plans were sought during the course of the application to rectify the discrepancies between the existing and proposed elevations and proposed roof plan. The materiality of the proposed quadrant wall was clarified as leadwork.

4 Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer [Objection]

This application is for a two-storey front and side extension incorporating a basement, two storey rear extension and roof extension to form habitable accommodation including increase in ridge height and provision of dormers.

The property is located in the Outer Loudwater Estate Conservation Area. This application follows two previous full applications and a pre-application. An appeal (ref: APP/P1940/D/18/3209847) relating to application 18/0753/FUL was also subsequently dismissed.

Within the appeal decision it was noted that '*Raising the height of the thatched roof would not significantly change the building's overall form and appearance.*' Whilst conservation advice has raised concerns regarding this aspect, it has been established as acceptable within the appeal decision and forms a baseline from which this application is assessed.

Although the proposed extensions would still be large, their scale has been significantly reduced since the dismissed appeal. It is noted that the extensions are more respectful of the traditional character of the existing building in their appearance. There are still concerns from a heritage perspective regarding the proposed enlargement of the existing crown roof. Effort has been made to set the flat roof section lower than the ridge which would lessen the visual impact to some degree. However, crown roofs are generally not supported in Conservation Areas due to their untraditional form and appearance, but I acknowledge that the property has an existing crown roof.

There are also concerns regarding the convoluted junctions and appearance of the right-side extensions, as well the addition of a flat roof lead element which would be visible. This aspect of the scheme would dilute the architectural quality of the wider Conservation Area.

Overall, there have been improvements to the proposal, and from the front elevation the character of the property has been retained. Were the crown roof reduced and the right-side elevations refined, particularly the junctions and the lead flat roof, from a conservation perspective there is potential for an acceptable scheme.

However, currently, there are still aspects of the scheme that detract from the architectural quality of the Conservation Area. With regard to the NPPF, a low-level of 'less than substantial' harm to the significance of the Conservation Area (paragraph 202).

4.1.2 Chorleywood Parish Council: [Objection]

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended

Major concerns that there is no Conservation Officers report on file.

The applicant has not taken into account the appeal notice decision

The development would create significant harm to the visual amenities of the area and would be contrary to Policies CP1 and CP12 of the Core Strategy Policies DM1, DM3 and Appendix 2 of the Development Management Policies document and the Outer Loudwater Conservation Area Appraisal (2007).

Overlooking towards the neighbouring property, harmful to the amenities of the occupants of the neighbouring property. The proposal would not be acceptable and would fail to accord with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

4.1.3 Landscape Officer: [No objection subject to conditions]

I do not wish to raise any objections to the proposal but should planning permission be granted, I would request that a method statement is conditioned to ensure the construction of the basement is sound and a detailed tree protection plan submitted.

4.1.4 Hertfordshire Ecology: [No objection]

We previously commented on similar proposal (LPA ref 21/2025/FUL on 04/10/2021) and I have the following comments to make now:

The site comprises a dwellinghouse with thatched roof and complex roof structure. The property is in an area of low-density housing with large gardens and plenty of mature trees. It is on the edge of Loudwater close to open countryside with agricultural grasslands, mature hedgerows, woodlands, and the River Chess with its associate riparian vegetation, in the area. All these habitats will provide suitable opportunities for foraging, commuting and roosting bats, and there are records of them in the area.

I am pleased to see a bat report has been submitted in support of this application: *Preliminary Roost Assessment, 15 January 2021, Cherryfield Ecology*. A daytime assessment undertaken on 11 January found no bats or evidence of bats. The property was assessed to have *negligible* potential to support roosting bats and no further surveys or mitigation were considered necessary. I have no reason to believe conditions have changed at the property since January 2021 and consider this report to still be valid. Consequently,

bats should not be regarded as a constraint to the development proposals. I do not consider there to be any other ecological constraints and the application can be determined accordingly.

I trust these comments are of assistance.

4.1.5 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 12

4.2.2 No of responses received: 2 objections received

4.2.3 Summary of Responses:

- Fail to maintain or enhance the character of the Outer Loudwater Conservation Area
- Unnatural extension, not subservient to the main house
- Out of scale with existing buildings and atypical given elevated position
- Bulky, overbearing and not in keeping.
- Additional traffic and congestion
- Overdevelopment
- Overshadowing
- Too close to the common boundary

Site Notice: expired 11/05/2022

Press notice: expired 14/05/2022

5 Reason for Delay

5.1 Committee Cycle and in order to obtain amended and additional plans.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 20 July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework.

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

6.2 The Three Rivers Local 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.

The Outer Loudwater Estate Conservation Area Appraisal (2013) is also relevant.

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

6.3 Other

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

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

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

7 **Planning Analysis**

7.1 Impact on character and appearance of the dwelling, streetscene and Conservation Area

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy states that development should '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'. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.
- 7.1.2 The application site is located within the Outer Loudwater Conservation Area and Policy DM3 of the Development Management Policies LDD is therefore relevant. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.
- 7.1.3 Policy 1 of the Chorleywood Neighbourhood Plan outlines that development in Conservation Areas should preserve and enhance the character or appearance of the Conservation Area and use materials that are appropriate as defined in the relevant Conservation Area Appraisal document. Policy 2 of the same document outlines that all development should seek to make a positive contribution to the streetscene by way of frontage, building line, scale and design.
- 7.1.4 The Outer Loudwater Conservation Area Appraisal (adopted March 2007) states that the, 'Outer Loudwater Conservation Area has been designated because it forms the attractive and distinctive setting for Loudwater based on the well-wooded valley bordering the River Chess and incorporating low density residential development'. In describing the conservation area within their appeal decision notice for application 18/0753/FUL, the inspector commented "The houses in the Outer Loudwater Conservation Area ('CA') are typically large and detached, but often screened by landscaping in their spacious plots which sometimes include long front gardens. Their siting and individual design, together with the greenery, gives the area a distinctive semi-rural character".

- 7.1.5 Loudwater Estate Conservation Area is characterised by detached houses on large plots in a woodland setting. The Conservation Officer considered that the existing detached dwelling is of a size and scale which is characteristic of the Loudwater Estate Conservation Area and its setting, within the large open plot, creates a positive feature and contributes to the semi-rural and sylvan character of the Conservation Area. It is considered that the existing application dwelling makes a positive contribution to the character and appearance of the Loudwater Estate Conservation Area. In describing the application dwelling within their appeal decision letter for the previous appeal, the Inspector commented “Thatches is set well back from Loudwater Lane on a steeply-rising plot. It has a largely symmetrical front face, with small ground floor multi-paned windows either side of its front door, and a row of broadly similar windows recessed within its thatched roof in the floor above. To the rear, notwithstanding the feature circular windows in one of its gables, that cohesive and balanced form is also evident. In its siting, and attractive individual design, the dwelling is characteristic of the CA, and makes a positive contribution to it”.
- 7.1.6 In dismissing the Appeal on the previously refused application reference 18/0753/FUL, the Inspector commented ‘the proposed front projecting side extension would have an eaves height significantly taller than the remainder of the property and, given the topography, the front face of its basement would be exposed. Consequently, that part of the scheme would have a significant bulk which would appear very dominant and disproportionate to the rear of the dwelling’.
- 7.1.7 In the current application, the eaves height of the proposed front/side extension would match the eaves height of the remainder of the dwelling, including of the existing bay windows on the opposite flank elevation. The extension would therefore be read as an appropriate and proportionate addition to the host dwelling. In addition, the current scheme has been designed such that the basement would be obscured as has been shown by the submitted land levels section drawings. This ensures there is no visual impact from the enlarged basement.
- 7.1.8 The Appeal Inspector noted ‘*although set back from, and elevated above, the lane, Thatches can nonetheless be easily seen from it across the largely open front garden. In those views...the side extension would appear very dominant and would jar with the simple form and modest well-balanced proportions of the host property*’. In the current application, the depth of the side extension has been reduced such that it does not project forward of the main front elevation. The fenestration pattern and roof form have also both been changed. These ensure the extension integrates far better with the dwelling, and would not detract from the well balanced proportions of the host property.
- 7.1.9 The Conservation Officer notes that overall there have been improvements to the proposal, and from the front elevation the character of the property has been retained. However, the conservation officer states that concerns are still raised regarding the enlarged crown roof, the junctions and appearance of the right side elevation and the flat roof lead element.
- 7.1.10 In respect of the appearance of the right side elevation, Officers consider that its appearance would be acceptable. The right side elevation is elevated and set back within the plot which reduces views of the elevation. It’s roof would retain a large proportion of thatching, with lead work used for the flat and smaller areas. These elements would have some visibility and it is acknowledged that the conservation officer states these would ‘dilute the architectural quality of the wider conservation area’, however given the relatively small size of these elements, and their limited visibility, officers do not consider their impact would be so severe so as to justify a refusal of planning permission.
- 7.1.11 Whilst the Conservation Officer concludes that “in its current form there are still aspects of the scheme that detract from the architectural quality of the Conservation Area and would result in a low-level of ‘less than substantial’ harm to the significance of the Conservation Area”, officers do not consider the aspects identified would result in such harm so as to justify a refusal of planning permission.

- 7.1.12 The proposed front and side extension would be set back 0.3m from the front building line. It is noted that the height of the eaves of the extension has been reduced with the eaves the same height as eaves of the host dwelling. It is considered that the proposed front and side extension in its current form would not result in harm to the character and appearance of the host dwelling. Whilst it differs from the character of the host dwelling and with the surrounding properties within the Conservation Area it is not considered that it would or result in demonstrable harm. As such, it is considered that it has overcome the reasons for refusal of the dismissed Appeal.
- 7.1.13 The proposed modifications to the roof would result in an increase in the existing ridge height by approximately 1.2m. In relation to an increase in ridge height within the Appeal decision, the Planning Inspector stated that *“the raised height of the thatched roof would not significantly change the building’s overall form and appearance”*. Therefore having regard to the increase in height being identical to the previous application, and the improvements to the other elements of the proposal since the appeal scheme, it is not considered that the proposed raising of the ridge would in isolation result in a detrimental impact on the street scene, character of the host dwelling and wider Conservation Area.
- 7.1.14 Due to the scale of the extensions the proposed development also includes the introduction of a sunken crown roof. Appendix 2 of the Development Management Policies LDD states the following with regard to roof alterations:
- “Crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured. Increases to ridge height will be assessed on their own merits at the time of planning application.”*
- 7.1.15 In respect of the crown roof, the conservation officer notes that effort has been made to set the flat roof section lower than the ridge, which would lessen the visual impact. It is acknowledged that crown roofs are not generally supported in conservation areas, however the property has an existing crown roof. Although larger than the existing crown roof officers do not consider there to be a material difference between the existing and proposed crown roof, as they are in broadly the same position in the site and would have the same extent of visibility as each other. Overall, officers do not consider alterations to the crown roof would result in such harm to the building so as to justify a refusal.
- 7.1.16 Policy DM1 and Appendix 2 of the Development Management Policies LDD seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment and set out that development should not have a significant impact on the visual amenities of the area. The Design Criteria within Appendix 2 states that at first floor, side extensions shall be a minimum of 1.2m from the flank boundary. Proposed floorplans detail that the proposed front and side extension would be 1.2m from the common boundary with the neighbouring dwelling to the north, The Brambles and as such the spacious nature of the plot would be maintained.
- 7.1.17 In dismissing the Appeal, the Planning Inspector stated; ‘the proposal would contain extensive areas of contrasting fenestration in its front face. Those aspects of the scheme would significantly unbalance the dwelling’s front elevation’. It is noted that in the current application the width of the proposed extension has been reduced and the amount of glazing within the front elevation has been reduced. The proposed fenestration within the front facade would match the size of that within the existing front facade and as such it is not considered that the proposed fenestration would result in harm to the character and appearance of the existing thatched cottage.
- 7.1.18 The proposal also includes side and rear dormer windows. Appendix 2 of the Development Management Policies LDD advises that dormer windows should be subordinate to the main

roof form, they should be set down from the ridge, set back from the plane of the wall and in from both sides of the roof. The proposed dormers would be sited to the rear and southern flank of the host dwelling and would not be readily visible from the street scene of Loudwater Lane. The Planning Inspector did not raise any objections to the dormer windows proposed as part of the previous refused application. As such, it is not considered that the proposed dormer windows in the rear or southern roofslopes would result in any adverse impact to the character of the host dwelling, street scene or wider Conservation Area.

- 7.1.19 No objections were raised by the Planning Inspector in respect of the proposed rear extension. However, in respect of the rear fenestration the Inspector noted “*deep first floor glazing with Juliet balconies would introduce a discordant element into the host property’s cohesive rear face*”. It is noted that the french doors to the rear have been reduced from three to two sets and the casement windows revised in scale and siting to reflect the character and appearance of the existing host dwelling and as such it is not considered that this element of the proposal would result in any demonstrable harm to the host dwelling or wider Conservation Area.
- 7.1.20 To the northern side of the house, the ground levels are proposed to be lowered to match the existing lower level on the southern side of the application site and to match the existing ground floor level of the main house. The rear patio would also be enlarged. It is not considered that this would result in any demonstrable harm to the character and appearance of the host dwelling or Conservation Area given its siting to the rear. The sylvan and semi-rural character of the site and Conservation Area would not be adversely affected by the level changes or hardstanding.
- 7.1.21 It is considered reasonable that a pre-commencement condition be attached to any grant of planning consent to provide additional drawings in writing to the LPA to show details of the proposed new windows, doors, eaves, junctions, verges and cills in section and elevation drawings in the interests of visual amenity and to safeguard the character of the Conservation Area.
- 7.1.22 It is considered that the proposal would comply with Policies 1 and 2 of the Chorleywood Neighbourhood Plan (Referendum Version August 2020) as it would not result in any harm to the character and appearance of the host dwelling or wider streetscene and the front building line and frontage would not be adversely affected, with the host dwelling set back significantly from the front of the application site.
- 7.1.23 In summary, it is considered, subject to conditions, the amended proposed development would not result in any adverse impact to the character and appearance of the host dwelling, streetscene or wider Conservation Area. The proposed development would comply with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies Document (adopted July 2013), the Outer Loudwater Estate Conservation Area Appraisal (2013) and Policies 1 and 2 of the Chorleywood Neighbourhood Plan.

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 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.
- 7.2.2 To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude a 45 degree spay line across the rear garden from a point on the joint boundary, level with

the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.

- 7.2.3 The Design Criteria at Appendix 2 of the Development Management Policies document also advise that in the interests of privacy and to prevent overlooking, windows of habitable rooms at first floor level and above should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7m from internal floor level and obscure glazed.
- 7.2.4 As the two-storey front and side extension would be constructed to the northern flank elevation, the impact on the neighbour to the south, Wanstead is limited and the development would not result in loss of light or have an overbearing impact so as to cause demonstrable harm or overlooking to this neighbour. Furthermore, no loss of light or overbearing impact would occur to the neighbouring dwellings at Parkholme and Cranham due to a separation distance of some 40m from the southern flank of the application dwelling.
- 7.2.5 In dismissing the appeal on the previously refused application reference 18/0753/FUL, the Inspector commented; *"given the height and proximity to the boundary of the first and second floor windows in the scheme's extension there would be an unacceptable degree of overlooking toward the garden and closest habitable room windows in The Brambles. That would be to the significant detriment of those occupants living conditions"*.
- 7.2.6 It is noted that the current extension was reduced in width by 0.7m compared to the appeal scheme and have a reduction in depth of 0.4m compared to the appeal scheme and would be set in from the common boundary with The Brambles by a minimum of 1.2m to the rear and 1.5m to the front. The dismissed scheme included a window at ground floor level (serving a w/c) within the northern flank and a window at first floor level within the same flank (serving bedroom 4). It is noted that the neighbour has raised concerns regarding the amount of fenestration and regarding overlooking and loss of privacy. It is noted that the amount of and size of glazing has been reduced in comparison to the refused scheme 18/0753/FUL. A window serving the w.c is proposed in the flank elevation facing Brambles at ground floor. Given the land levels change, it is considered appropriate that this window is obscurely glazed. The proposed window to be sited within the flank elevation facing Brambles at first floor level would serve a bathroom and would be obscurely glazed as labelled on the plans. Subject to this window also being fixed shut below 1.7m above the internal floor level, it is not considered that this window would result in any overlooking. Any grant of planning permission would be subject to a condition that this window would be obscurely glazed and non-opening above 1.7m to protect the neighbouring amenities of The Brambles.
- 7.2.7 A dormer is proposed within the southern flank at second floor level to serve the additional bedroom in the roof space. Due to its siting it is not considered that overlooking would be facilitated to the neighbouring dwellings to the south.
- 7.2.8 As part of the appeal decision, the Inspector noted that the scheme *'would not cause a significant loss of sunlight or daylight'* to The Brambles however the siting and bulk of the proposed extension would *'have a significantly overbearing visual impact on the outlook from the closest windows in The Brambles'*. The height and corresponding massing of the northern flank elevation facing The Brambles has been reduced since the appeal scheme, and as a result is not considered to appear overbearing or visually intrusive when viewed from The Brambles.
- 7.2.9 The proposed fenestration within the rear elevation would not result in a materially different view from the existing fenestration within this elevation. The proposed glazing would not result in any overlooking to any neighbouring dwellings due to the separation distance of

some 40m between the application dwelling and the rear gardens of Parkholme, Wanstead and Cranhen.

7.2.10 In summary, subject to conditions, it is considered that the amended proposed development would not result in harm to the residential amenity of any neighbouring occupiers and would therefore accord with Policy CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

7.3 Amenity Space Provision for future occupants and parking

7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision. 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.

7.3.2 The proposed extension would result in an additional bedroom and study which could be used as a bedroom. It is noted that the application site would retain in excess of 800sqm of amenity space. As such this would exceed the amenity space standards and the proposal is considered acceptable in this regard.

7.4 Wildlife and Biodiversity

7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.4.2 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 LDD. 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.

7.4.3 The application is accompanied by a Preliminary Roost Assessment (PRA) which was carried out on 11/01/2021 by Amy Palmer of Cherryfield Ecology. Hertfordshire Ecology were consulted during the course of the application and raise no objection to the proposal. However, given that the proposal involves works to an existing roofspace, an informative regarding bats would be added to any grant of planning consent.

7.4.4 As such, the proposal is in accordance with Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies document sets out that development should not result in a net loss of biodiversity value across the District as a whole. Development on sites which contain existing trees and hedgerows are expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value.

7.5.2 It is noted that all the trees within and adjacent to the application site are protected by designation of the Conservation Area and an area Tree Preservation Order.

- 7.5.3 The current application is accompanied by an Arboricultural and Planning Integration Report ref: GHA/DS/122160/20 dated 4th November 2020 conducted by Glen Harding by GHA Trees Arboricultural Consultancy.
- 7.5.4 The Council's Landscape Officer has been consulted during the course of the application. The Landscape Officer does not wish to raise any objections to the proposal. However requests that any grant of planning consent is conditioned to ensure the construction of the basement is sound and that a detailed method statement is submitted.
- 7.5.5 It is noted that the proposal would result in the slight incursion into the Root Protection Area (RPA) of T1 (Weeping Willow) which is located on the adjacent property. However, it is not deemed that this encroachment would have any impact on the condition of this tree. Whilst this is the case, there will be pressure on the rest of the RPA during construction to enable the works, and therefore there will likely be impact on the rooting environment of the retained trees. To minimise the impact, the arboricultural method statement must be finalised and a tree protection plan provided to support the application. This should be provided prior to commencement to ensure that measures are appropriate and will appropriately protect the retained trees.
- 7.5.6 As such, it is noted that a pre-commencement condition would be attached to any grant of planning consent to prevent any damage or removal of trees within and adjacent to the application and to allow for the submission of a tree protection plan and method statement in order to suitably protect any trees within and adjacent to the application site.

7.6 Highways, Access and Parking

- 7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.6.2 The proposal would create a two additional bedrooms to create a 6 bedroom property. It is noted that the parking standards within Appendix 5 outline that dwellings with 4 or more bedrooms should provide 3 on-site car parking spaces. The existing driveway to the frontage of the application site would be retained which can accommodate 3 cars. As such, the proposal would comply with the parking standards in this regard.

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: 3660/1D, 3660/2F, 3660/3X, 3660/4S, 3660/5AD, 3660/6M, 3660/K, 3660/7, 3660/C, 3660/8D and 3660/9B.
- Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan (2020) and the Outer Loudwater Estate Conservation Area Appraisal (2013)
- C3 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees

in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

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

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

- C5 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations and/or flank roof slopes of the extensions hereby approved.

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

- C7 Prior to the commencement of the development hereby permitted additional drawings that show details of all proposed new doors and windows (in section and elevation) at an appropriate scale between 1:20 and 1:1 shall be submitted to and approved in

writing by the Local Planning Authority. The doors and windows shall thereafter be installed only in accordance with the details approved by this condition and maintained as such thereafter.

Reason: This is a pre-commencement condition to prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

- C8 Prior to the commencement of the development hereby permitted additional drawings that show details of all proposed eaves, junctions, verges and cills (in section and elevation) at an appropriate scale between 1:20 and 1:1 shall be submitted to and approved in writing by the Local Planning Authority. The eaves, junctions, verges and cills shall thereafter be installed only in accordance with the details approved by this condition and maintained as such thereafter.

Reason: This is a pre-commencement condition to prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the NPPF.

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 who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk. Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed. Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense. Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.
- I2 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant 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 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).