

## PLANNING COMMITTEE – 20 OCTOBER 2022

### PART I - DELEGATED

5. **22/0948/FUL – Demolition of existing dwelling and construction of detached dwelling with basement level, accommodation within the roof served by dormers to front and rear, alterations to land levels to front and rear, additional hardstanding and insertion of front boundary wall and gates at 80 VALLEY ROAD, RICKMANSWORTH, HERTFORSHIRE, WD3 4BJ.**

Parish: Chorleywood Parish Council

Ward: Chorleywood South and Maple Cross.

Expiry of Statutory Period: 05.08.2022  
Extension of time: 28.10.2022

Case Officer: Freya Clewley

**Recommendation:** That Planning Permission be granted.

Reason for consideration by the Committee: Called in to Planning Committee by Chorleywood Parish Council for the reasons set out at paragraph 4.1.1 below.

#### 1 Relevant Planning History

- 1.1 W/4698/73 – Convert existing garage into dining room with bedroom, bathroom over, new garage – Permitted 03.12.1973.
- 1.2 13/0291/FUL – Single storey side and rear extension – Permitted 10.04.2013.
- 1.3 21/1570/FUL – Demolition of existing rear extension, construction of two storey rear extension, front rooflights, erection of a replacement garage, alterations to external materials and fenestration, reconstruction of front porch and associated external works including motorised gate, new stairs up to house and new boundary wall to front and new patio to rear – Withdrawn 07.10.2021 following concerns raised by Officers in relation to the bulk, massing and scale of the proposed development.

#### 2 Description of Application Site

- 2.1 The application site is rectangular in shape and contains a detached dwelling located on the northern side of Valley Road, Rickmansworth. Valley Road is a residential road characterised by detached dwellings of varying architectural styles and designs, many of which have been extended or altered.
- 2.2 The host dwelling is a two storey detached dwelling, with a two storey front gable feature. The host dwelling is finished in mixed red brickwork to the front elevation, and white render to the rear with a dark tiled hipped roof form and a first floor balcony over the forward projecting garage. There is hardstanding to the frontage with space for three vehicles. Land levels increase from south to north such that the host dwelling is located at a significantly higher land level than the highway.
- 2.3 The neighbour to the west, number 82 Valley Road, is a contemporary three storey dwelling, constructed close to the shared boundary with the application site. This neighbour has an existing single storey lower ground floor projection and the land levels have been altered such that the hardstanding to the frontage is level with the lower ground floor, with the frontage supported by a large, stepped retaining wall adjacent to the boundary with the application site. The neighbour to the east, number 78 Valley Road, is a two storey detached dwelling, built on a similar building line to the host dwelling.

- 2.4 There are large mature, protected trees along the western boundary and to the rear of the site and within adjoining sites (TPO744).

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

- 3.1 The applicant is seeking full planning permission for the demolition of the existing dwelling and the construction of a detached dwelling with a basement level, accommodation within the roof served by dormers to front and rear, alterations to land levels to front and rear, additional hardstanding and insertion of front boundary wall and gates. The replacement dwelling would contain five bedrooms.
- 3.2 The ridge height of the proposed dwelling would be approximately 1.8m higher than the existing ridge height when measured from the front, with a maximum height of 11.2m. The proposal would include alterations to the existing land levels to the front of the dwelling. The land levels would drop a further 1m in height from the dwelling to the highway. To the front, the replacement dwelling would have a three storey appearance, with a basement level garage with space for three vehicles.
- 3.3 The replacement dwelling would have a hipped roof form with a crown roof section with two front dormer windows and one rear dormer window serving the loft level accommodation. It would have a two storey front hipped projection, set down approximately 2.1m from the maximum ridge line. To the rear, the dwelling would have a glazed gable feature, set down approximately 0.5m from the maximum ridge line. The crown roof section would have an area of 14.5sqm.
- 3.4 The replacement dwelling would have a maximum width of 13.4m, a maximum depth of 19.3m at ground floor level and a maximum depth of 13.5m at first floor level. It would have a stepped rear elevation at first floor level with the gabled element extending 0.8m beyond the main two storey rear elevation of the dwelling. The replacement dwelling would be set in a minimum of 1.5m from the flank boundaries at ground and first floor levels.
- 3.5 Fenestration is proposed within the front, flank and rear elevations of the replacement dwelling.
- 3.6 The submitted application form states that the replacement dwelling would be finished in facing brickwork and stone cladding with plain roof tiles and aluminium fenestration.
- 3.7 The proposed development would also include alterations to land levels to the front of the application site, reducing the land levels to allow for access to the basement level garage. A glass balustrade is proposed to enclose a path, balcony and steps down to the new frontage which would be laid with new hardstanding to enable ample on-site parking and an area of lawn. The lawn area would be to the front and retained by a new wall 1m in height. A new sliding gate, set back 5.5m from the edge of the footpath with the road is also proposed. The gate would be 1.4m in height and 4.6m in width. A replacement brick wall is proposed along the front boundary with a height of 1.2m and brick piers with a height of 1.5m.
- 3.8 The proposal would include alterations to the land levels to the rear to reduce the land levels and allow for a sunken patio area, abutting the rear elevation of the replacement dwelling. The patio would have a maximum depth of 4m with steps leading up to the garden level.
- 3.9 Amended plans were sought and received during the course of the application to reduce the originally proposed rear balcony and replace it with a Juliet balcony and reduce the depth of the first floor accommodation.

### **4 Consultation**

#### **4.1 Statutory Consultation**

#### 4.1.1 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*

- *Concerns with the bulk and mass of the development, the ridge height is entirely inappropriate within the streetscene*
- *The proposal breaches the 45 degree splay line*
- *Concern with the impact on the trees, the application is not supported by an arboricultural impact assessment and therefore there is no way of ascertaining whether the semi/ancient woodland will be impacted. It is requested that the forestry commission is contacted.*
- *Concerns relating to the positioning of the entrance gate*
- *Concerns relating to the car parking layout at the development.*
- *There are strong concerns that a perfectly good house is being demolished only to end up in landfill. The proposal fails to acknowledge or meet the requirements of Policy DM4(b) and (c) of the development management policies*
- *Concern with the loss of a good home causing detrimental environmental impact.*

*Officer Update: 'Amended plans were sought and received during the course of the application to increase the set back of the entrance gate to overcome highways concerns. In addition, Policy DM4 of the Development Management Policies document does not seek to prevent houses from being demolished, and it could be argued that the replacement dwelling would be a significant environmental improvement over the existing dwelling. Issues regarding waste from construction is not a relevant consideration for the proposed development.'*

#### 4.1.2 National Grid: No response received.

#### 4.1.3 Hertfordshire County Council Highways: [Initial objection, no objection following amended plans]

##### **Recommendation**

*Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reason:*

- 1) *Insufficient gate setback. The proposed sliding gate is not setback a suitable distance from the back edge of the footway according to Roads in Hertfordshire: Highway Design Guide, meaning that vehicles are likely to block the footway whilst waiting for the gate to open. This therefore infringes upon Policies 1 and 5 in the Hertfordshire Local Transport Plan (LTP4) and the National Planning Policy Framework (NPPF).*

##### **Comments/Analysis**

###### **Description of Proposal**

*Demolition of existing dwelling and construction of detached dwelling with basement level, accommodation within the roof served by dormers to front and rear, first floor balcony to rear, alteration to land levels to front and rear, additional hardstanding and insertion of front boundary wall and gates.*

###### **Highway Impact**

###### **Insufficient Gate Setback**

*The proposed sliding gate shown on drawing number P300 Rev B is set back approximately 3m from the back edge of the footway. This is not a suitable distance according to Roads*



Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

## 6.2 National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area). Relevant chapters include: Chapter 2; Chapter 4; Chapter 5; Chapter 9; Chapter 11; Chapter 14; Chapter 15 & Chapter 16.

## 6.3 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, CP8, CP9, CP10 and CP12.

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

The Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020). Policy 2 is relevant.

## 6.4 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 Principle of Development

7.1.1 The application site does not lie within a Conservation Area and the building is not a Listed or Locally Important Building. As such, there are no overriding policy requirements to retain the existing dwelling.

## 7.2 Impact on Character and Street Scene

7.2.1 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 within the streetscene. Appendix 2 sets out that 'oversized, unattractive and poorly sited additions can result in loss of light and outlook for neighbours and detract from the character and appearance of the original dwelling and streetscene'.

7.2.2 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area. To avoid a terracing effect and maintain an appropriate spacing between properties in character with the locality, development at first floor level should be set in from flank boundaries by a minimum of 1.2 metres. This distance may be increased in low density areas or where the development would have an adverse impact on an adjoining property. In relation to roofs, the Design Criteria set out that crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing and as such they are generally discouraged and more traditional pitched roofs are generally favoured.

7.2.3 Appendix 2 of the Development Management Policies document also states that front extensions should not result in loss of light to windows of neighbouring properties nor be excessively prominent in the streetscene and that increases in ridge height will be assessed on their own merits at the time of a planning application and that where roof forms are of a uniform height, style or appearance, it is unlikely that an increase in height will be supported. Whilst this application does not seek a front extension but instead a new build, the principles above remain relevant.

7.2.4 Policy 2 of the Chorleywood Neighbourhood Plan is relevant to this application and states:  
*'All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.'*

7.2.5 The replacement dwelling would have a higher ridge height when compared to the existing dwelling which currently is lower than both No.11 and No.13. The maximum height would be increased by approximately 1.8m however the land levels to the front of the application site would be reduced to allow for the addition of the basement level accommodation and therefore the replacement dwelling would have the appearance of a three storey dwelling. The streetscene of Valley Road is characterised by two storey detached dwellings of varying architectural style with no consistent ridge height or pattern, and the dwellings on the northern side of the road are elevated significantly from the highway, thereby each dwelling is prominent but set back significantly. As such, the increase in ridge height as proposed is considered to be acceptable. In addition, Valley Road is not a flat road but slopes up from south to north such that the host dwelling and neighbours are sited at a higher land level than the adjacent highway. As such, having regard to the topography and the heights of the neighbouring properties, whilst the overall elevated bulk and massing would be increased which would result in a more prominent replacement dwelling, the increase in ridge height is not considered uncharacteristic or would result in an overly dominant dwelling when

viewed against the context of Valley Road. The illustrative streetscene indicates that the ridge would be higher than both immediate neighbours however, given the minimal difference in height, and the spacing between the houses and the highest part of their roofs, coupled with the hipped nature of the roof helping to reduce the elevated bulk and massing and the land level difference, it is not considered that this would be incongruous within the streetscene. The elevational emphasis of the building is softened by the lawn and sloping driveway, and soft landscaping proposed which contrasts with the immediate neighbour of which the entire frontage comprises hardstanding with the driveway completely cut back from the streetscene. The streetscene is varied with no specific architectural design; therefore, the proposed design, size and scale would not result in any material harm to the visual amenities of the streetscene.

- 7.2.6 In respect of the design detailing of the replacement house, the dormer windows are considered to be of an appropriate size relative to the roof slope, in accordance with the Design Criteria which requires subordination. The two storey front projection would also appear subordinate in scale to the main body of the replacement dwelling and would not appear as an overly prominent feature in the street scene given its width and set down from the roof. It would reflect other similar structures in neighbouring properties. The flank elevations are considered to be of an acceptable depth and together with the hipped roof forms ensure the proposed building would not dominate the area. The glazing to the rear would have very limited public visibility and is considered to be appropriate in the context of the design of the building.
- 7.2.7 Whilst the replacement dwelling would have a crown roof form which Appendix 2 of the Development Management Policies document generally discourages, in this case, the crown roof would be relatively small with a limited depth, sitting adjacent to both neighbouring properties resulting in limited views from public vantage points from Valley Road. However it is noted that there are other examples of similar roof forms within the surrounding area, such that it is not considered that its inclusion would result in demonstrable harm to the character or appearance of the host dwelling or street scene to justify the refusal of planning permission.
- 7.2.8 The proposed replacement dwelling would be detached which would be in keeping with the character of the area. The proposed dwelling would be located in a similar position as the existing dwelling, with the two storey hipped roof projection extending slightly forward of the existing dwelling and the ground floor footprint would not be dissimilar to that of other dwellings within the vicinity in terms of the internal area. The flank walls of the replacement dwelling would be set in a minimum of 1.5m from the flank boundaries, maintaining spacing between the replacement dwelling and the flank boundaries and reflecting the spacing found between other dwellings in the vicinity. This distance is in excess of guidelines within the Design Criteria as highlighted above.
- 7.2.9 The proposal would include alterations to the application site frontage to provide onsite parking provision for three vehicles. The existing landscaping to the front of the site would be retained supported by a 1m high retaining wall, with the land levels behind reduced to access a basement level garage. The proposal would include a sliding gate to the application site frontage, set back 5.5m from the footpath. Whilst this would result in the loss of some soft landscaping to the frontage, however some soft landscaping would remain adjacent to the front boundary which would soften the appearance and mitigate the level of land level changes within the frontage. Furthermore, it is noted that there are examples of other gates within the streetscene of Valley Road. The proposal is therefore considered to be acceptable in this regard.
- 7.2.10 Whilst accepting that the proposed replacement dwelling would be larger and higher than the existing dwelling, given the variation in the street scene it is not considered that the proposed replacement dwelling would be out of keeping with other dwellings within the vicinity with regards to its size, spacing, design and overall scale nor would it appear unduly prominent in the street scene of Valley Road. The development would therefore be

acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document and the Chorleywood Neighbourhood Plan (referendum version, August 2020).

### 7.3 Impact on Amenity of Neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.3.2 Whilst this application is for a replacement dwelling, the guidance to apply to extensions as set out within Appendix 2 of the Development Management Policies LDD is relevant. Appendix 2 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.
- 7.3.3 The proposed replacement dwelling, given its stepped rear elevation, would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the existing rear elevation of the neighbour to the west, number 82 Valley Road. Furthermore, a distance of approximately 3m would be maintained between the replacement dwelling and the eastern flank of the neighbour to the west. Therefore, it is not considered that the proposed replacement dwelling would result in loss of light or appear overbearing to the neighbour to the west in respect of the first floor addition.
- 7.3.4 The replacement dwelling would not intrude a 45 degree splay line when taken from a point on the shared boundary level with the rear elevation of the neighbour to the east, number 78 Valley Road. Furthermore, a minimum spacing of 2.3m would be maintained between the replacement dwelling and the neighbour to the east. In addition, the replacement dwelling would have a hipped roof form, and given that the neighbour is favourably sited to the east, it is not considered that the proposed replacement dwelling would appear overbearing or result in loss of light to the neighbour to the east.
- 7.3.5 The single storey rear projection would extend approximately 6m beyond the main two storey rear elevation of the neighbour to the west, and approximately 5.8m beyond the main two storey rear elevation of the neighbour to the east. Whilst this is noted, given the spacing maintained between the single storey rear projection and neighbouring properties and the height and flat roof form of the proposed single storey element, it is not considered that this element would result in any harm to neighbouring amenity.
- 7.3.6 In terms of overlooking, two windows are proposed at first floor level within the western flank elevation and one window is proposed within the eastern flank of the replacement dwelling. These windows would serve bathrooms and a laundry room, and as such, it is considered reasonable to attach a condition to require these windows to be obscurely glazed and top level opening to prevent unacceptable overlooking from occurring. It is noted that flank fenestration is proposed at ground floor level within the western flank, however given the spacing between the development and the flank boundary and the existing boundary treatment, it is not considered that the ground floor flank fenestration would result in unacceptable overlooking. The fenestration within the front elevation would have an outlook of the application site frontage, and would not result in any overlooking. The ground floor fenestration to the rear would have an outlook of the amenity space serving the replacement dwelling and would not result in unacceptable overlooking. Whilst some views of neighbouring gardens may be available from the first floor fenestration and dormer windows within the rear roofslope, it is not considered that the proposal would result in a significantly

different view to the existing dwelling. Therefore, it is not considered that the rear fenestration would result in unacceptable overlooking. In terms of the rooflights, a condition would require that the proposed rooflights are located a minimum of 1.7m above internal floor level to prevent unacceptable overlooking from occurring. In addition, it is considered reasonable to attach a condition to any granted consent to restrict the use of the proposed flat roof for maintenance purposes only and not for use as a balcony at any time.

7.3.7 Given the nature of the proposed alterations to the application site frontage and gate, it is not considered that this element would result in any harm to neighbouring amenity.

7.3.8 In summary, it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity and as such, the proposed development would accord with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

#### 7.4 Amenity Space Provision for Future Occupants

7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provide indicative levels of amenity/garden space provision and set out that a five bedroom dwelling should provide 126sqm amenity space.

7.4.2 The application site would retain a rear garden amenity space of over 845sqm which would be adequate amenity space for current and future occupiers.

#### 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 and states that no protected species or biodiversity interests will be affected as a result of the application. The site is not in or located adjacent to a designated wildlife site. As such, it is not considered that the proposal would result in harm in this respect.

#### 7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.6.2 There are protected trees to the front and rear of the application site, and within surrounding sites. The Landscape Officer has been consulted on this application and has raised no objection to the proposed development, subject to a condition requiring an Arboricultural Method Statement and Tree Protection Plan to be submitted to and approved by the LPA prior to the commencement of works on site. Therefore, a condition would be attached to

any granted consent to require these details to be submitted to and approved by the LPA prior to the commencement of works on site.

## 7.7 Highways, Access and Parking

7.7.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.7.2 The proposed development would result in a five bedroom dwelling. Appendix 5 of the DMP LDD sets out that a dwelling with 4 or more bedrooms should provide 3 onsite parking spaces. The proposal would include alterations to the application site frontage. The existing soft landscaping adjacent to the front boundary would be retained, with the land level behind to be reduced to allow for additional parking and access to the lower ground floor level garage. A sliding gate is proposed to the front of the application site, set back 5.5m from the edge of the footpath. There would be parking for three vehicles inside the garage, with space externally for in excess of three spaces to the application site frontage.

7.7.3 The Highways Officer has been consulted on the submitted details and has confirmed that the amended plans to increase the setback distance between the gate and highway is acceptable. Therefore, the proposal is considered to be acceptable in this regard.

## 7.8 Sustainability

7.8.1 Paragraph 93 of the NPPF states that “Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure”.

7.8.2 Policy CP1 of the Core Strategy requires the submission of an Energy and Sustainability Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.

7.8.3 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

7.8.4 The application is accompanied by an energy statement prepared by Richmond Thermal Solutions which identifies that the proposal would achieve a 9.65% CO2 saving over Building Regulations 2013 through energy efficiency measures. A condition would be attached to any planning permission to require the development to be carried out in accordance with this energy statement. The comments received from the Parish Council are noted with regards to the environmental impact of the demolition of the existing dwelling. Policy DM4 of the Development Management Policies document does not prevent existing dwellings from being demolished, and given that the replacement dwelling would be a significant improvement in terms of energy saving, the proposal is considered to be acceptable 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: P101, P102 Rev A, P103 Rev D, P201 Rev A, P300 Rev D, P301 Rev C, P302 Rev C, P303 Rev C, P304 Rev C, P401 Rev D, P402 Rev B and P501.

Reason: For the avoidance of doubt, in the proper interests of planning in accordance with CP1, CP8, 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), Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020) and the NPPF (2021).

- C3 The development hereby approved shall be implemented only in accordance with the approved Arboricultural and Planning Integration Report prepared by GHAtrees Arboricultural Consultancy dated 4 August 2022.

No operations shall commence on site in connection with the development hereby approved (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) until the tree protection works required by the Method Statement are in place on site.

The fencing or other works which are part of the Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials 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: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction of the development hereby permitted, in the interests of visual amenity and in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials including permeable hard surfacing shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To 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).

- C5 Before the first occupation of the replacement dwelling hereby permitted the windows at first floor level within the flank elevations shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is 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).

- C6 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

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

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

- C8 Prior to their first use, the gates hereby permitted shall be installed to open inwards, set back, and thereafter retained in perpetuity at a minimum distance of 5.5 metres from the edge of the highway.

Reason: To enable vehicles to safely draw off the highway before the gate is opened/closed, to minimise danger, obstruction and inconvenience to users of the adjacent highway, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C9 The proposed single storey flat roof hereby permitted shall be used for repair and maintenance purposes only and not as an external platform or balcony at any time.

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).

- C10 Immediately following the implementation of this permission, 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 development within the following Classes of Schedule 2 of the Order shall take place.

#### Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies

## 8.2 Informatives:

- 11 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at [buildingcontrol@hertfordshirebc.co.uk](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:  
The UK Bat Helpline: 0845 1300 228  
Natural England: 0300 060 3900  
Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)  
or an appropriately qualified and experienced ecologist.

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

- 14 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.