**7. 17/0238/FUL – Two storey rear extension, alterations to fenestration; subdivision of dwelling and plot to create two two-bedroom flats with associated alterations to landscaping and access; and erection of bin and cycle store at 2A BARTON WAY, CROXLEY GREEN, WD3 3QA for Mr New**

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| Parish: Croxley Green | Ward: Dickinsons |
| Expiry Statutory Period: 5 May 2017 | Officer: Suzanne O’Brien |
|  |  |
| **Recommendation:** That Planning Permission be Granted. | |
|  | |
| Reason for consideration by the Committee: Application has been called in by three Planning Committee Members | |

1 **Relevant Planning History**

1.1 W/1907/60 - 1 dwelling house – Permitted - 21.11.1960

1.2 W/2396/61 - Block of 4 maisonettes, garages – Refused - 23.03.1962

Reason for refusal:

*The development of this land by 4 maisonettes and 4 garages would result in excessive density and site coverage to the detriment of the residential amenities of adjoining properties and the flats when occupied by reason of loss of privacy and lack of adequate garden space.*

1.3 W/81/62 - Outline Application for pair of houses in detail 29/05/1962. – Permitted - 09.02.1962

1.4 99/02018/FUL - Single storey front extension – Permitted - 18.10.1999

1.5 00/00314/CLPD - (Certificate of Lawfulness Proposed) Single storey rear extension – Refused - 27.04.2000

1.6 05/1559/CLED - Certificate of Lawfulness Existing Use: Single storey rear extension - Permitted - 12.12.2005

2. **Detailed Description of Application Site**

2.1 The application site contains a semi-detached dwelling located along Barton Way. The dwelling has been previously extended with a single storey rear extension which is constructed close to the boundary with the adjoining semi to the north (No.2B). The dwelling also contains a single storey front extension. The dwelling is set in from the south boundary and a detached garage is sited along the southern boundary and a drive is sited between the dwelling and flank boundary. The rear amenity space provision is enclosed by close boarded fencing and vegetation screens.

2.2 The adjoining semi is located to the north of the site and has the same original building line. No.2B has a two storey side extension.

2.3 The neighbouring properties to the south front New Road so that the rear elevations of these neighbouring properties face the flank of the application site. An access road, serving the garages of the neighbouring properties to the south, runs along the flank boundary of the site.

3. **Detailed Description of Proposed Development**

3.1 This application seeks planning permission for the construction of a two storey rear extension, alterations to fenestration and the subdivision of the dwelling and plot to create two, two-bedroom flats.

3.2 The existing detached garage would be demolished. The proposed two storey rear extension would be constructed in line with the south elevation of the dwelling. It would have a depth of 4m at ground floor level and 3m at first floor level and would have a width of 3.2m to be set in approximately 3.3m from the boundary with No.2B. The proposed extension would have a pitched roof with a gable end and a height of 6.1m. The ground floor projection would have a mono pitched roof with a height of 3.2m.

3.3 The proposed extension would facilitate the subdivision of the dwelling into two flats. Both flats would contain two bedrooms, a bathroom and a kitchen, dining and living room. The ground floor flat would be accessed via the existing entrance to the front of the property. The first floor flat would be accessed via a new side door.

3.4 The development would include alterations to fenestration to include a door and window along the southern ground floor flank elevation and patio doors to the rear of the existing extension.

3.5 The existing garden would be subdivided lengthways to provide two separate amenity space provisions and the drive would be extended along the frontage to accommodate three cars. A cycle and bin store would be constructed along the southern boundary.

3.6 The plans have been amended reducing the depth of the two storey rear extension at first floor level by 1m.

4. **Consultation**

4.1 Croxley Green Parish Council

4.1.1 Summary: Objection

4.1.2 *OBJECT – The description of the proposal states that the development is two one bedroom flats and the application form also verifies this. However, the submitted plans show that the development has 2 x two bedroom flats. Accordingly there is insufficient car parking spaces within the curtilage of the property and it is considered that the development is a cramped form of development.*

Officer Comment: The description has been undated and neighbours notified specifying that the development would consist of two, two bedroom flats.

4.2Herts Highways Authority

4.2.1 Summary: No objection subject to condition.

4.2.2 *Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions:*

*Hertfordshire County Council (HCC) has no objection to the principle of the proposed development following the below condition:*

*The existing drop kerb for existing vehicular access into/out of the site to Barton Way shall be retained, as existing and not to be extended in any way. 0.65m x 0.65m pedestrian visibility splays shall be provided and permanently maintained each side of the access. They shall be measured from the point where the edges of the access way cross the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 600mm and 2.0 metres above the carriageway/footway level.*

*Reason: to provide adequate indivisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.*

*The proposal consists of two storey rear extension, subdivision of dwelling and plot to create two two-bedroom flats. In terms of vehicular access, Section 6 of the planning application indicates that it will be altered whereas, the submitted drawing (Site location and Block Plan) points out that the existing drop kerb and access will be retained. This is contradictory information. The existing access from Barton Way into the site is at close proximity to a bus stop. Therefore, any alteration or extension to the existing access arrangement to the site would not be acceptable.*

*The submitted plan also shows part of the boundary wall to be removed to provide additional parking space to front driveway. It is however essential to retain, at least 6m of the existing brick wall boundary due to the location of the bus shelter as well as it should comply with the required visibility splays for safety purposes.*

*To cover the above issues, a planning condition has been recommended accordingly. Overall, the highway assessment does not indicate any significant issues with the proposal. Accordingly, the highway authority would not wish to restrict the grant of planning permission subject to the planning condition above.*

4.3 Thames Water – No comments received.

4.4 Affinity Water – No comments received.

4.5 National Grid – No comments received.

5. **Neighbour Consultation**

5.1 No. consulted: 11

No. responses: 1

5.2 Site Notice: Posted 24 March 2017 and expired 14 April 2017

Press Notice: Not applicable.

5.3 Summary of responses:

* Due to the siting of the dwelling relative to No.2B the two storey rear extension will block light to neighbouring property;
* The existing vegetation screens along the front already blocks sunlight to the lounge of neighbouring property;
* The site is located along a busy road and close to the junction with New Road. The proposal would increase level of traffic and worsen existing situation;
* Lack of parking which would exacerbate existing parking and traffic issues;
* The construction works would result in noise, disruption and nuisance for a prolonged period;
* The neighbouring garden has been blocked by sewerage due to blockages underneath the extension at the application site situation would be required to be rectified;
* Owner of No.2B was not directly notified of the proposed development.

Officer comments: The existing sewerage issues are not a material planning consideration and if planning permission for the development were granted the works would be required to be carried out in accordance with Building Regulations. The adjoining neighbouring properties were consulted in accordance with the requirements as set out in the Development Management Procedure Order. Planning permission could not be refused on the presumption that the works would lead to noise and disturbance to neighbouring properties. Any noise and disturbance issues would be covered under the Environmental Health Act.

6. **Reason for Delay**

6.1 Committee Cycle.

7. **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

7.1.1 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

7.2 The Three Rivers Local Plan Core Strategy:

7.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM4, DM6, DM9, DM10, DM13 and Appendices 2 and 5.

7.4 The Site Allocations LDD:

7.4.1 The Site Allocations LDD was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Relevant policies include SA1.

7.5 Other

7.5.1 The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.

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

7.5.3 Supplementary Planning Document 'Affordable Housing' (approved June 2011 following a full public consultation) is relevant to this application.

8. **Analysis**

8.1 Principle of Development

8.1.1 The proposed development would result in a net gain of one dwelling. The site is not identified as a housing site in the Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

8.1.2 Policy CP2 of the Core Strategy (adopted October 2011) advises that in assessing applications for development not identified as part of the District’s housing land supply, including windfall sites, applications will be considered on a case by case basis having regard to:

1. The location of the proposed development, taking into account the Spatial Strategy
2. The sustainability of the development and its contribution to meeting local housing needs
3. Infrastructure requirements and the impact on the delivery of allocated housing sites
4. Monitoring information relating to housing supply and the Three Rivers housing targets.

8.1.3 The application site is within Croxley Green which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will take place on previously developed land and appropriate infilling opportunities within Key Centres. Policy PSP2 indicates that the key centres including Croxley Green will provide approximately 60% of the District’s housing requirements over the plan period, 45% of which will be affordable housing.

8.1.4 The proposed flat would be located on previously developed land and within a mixed use area. Given the location of the site within the Key Centre of Croxley Green, there is no in principle objection to the subdivision of the site subject to compliance with the Policies set out in the Core Strategy (adopted October 2011) and the Development Management Policies LDD (adopted July 2013) and subject to assessment against all other material considerations as discussed below.

8.1.5 Core Strategy Policy CP3 advises that new development should provide a range of house types and sizes to reflect the existing and future needs of the Three Rivers population and the characteristics of housing in the area and sets out that proposals should take into account the range of housing needs as identified in the Strategic Housing Market Assessment and subsequent updates.

8.1.6 The South West Hertfordshire Strategic Housing Market Assessment (2016) advises that in terms of the size of accommodation need to 2036 in Three Rivers, the overall requirement is for approximately 19% one-bedroom units, 28% two-bedroom units, 37% three-bedroom units and 16% four-or-more-bedroom units, although for market dwellings the requirement is for approximately 8% one-bedroom units, 28% two-bedroom units, 41% three-bedroom units and 23% four-or-more-bedroom units.

8.1.7 The application would result in two, two-bedroom flats on the site in place of the existing three-bedroom house. The development would therefore provide 100% two-bedroom units.

8.1.8 While this would not reflect the detailed size mix required by Policy CP3, given the small scale of the development which results in only one additional dwelling on the site, it would not prejudice the overall supply of a mix of house types and sizes in the District such that it would be reasonable to refuse permission on this basis.

8.2 Design and Impact on Street Scene

8.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policies CP3 and CP12 of the Core Strategy set out that development should make efficient use of land but should also ‘have regard to the local context and conserve or enhance the character, amenities and quality of an area’.

8.2.2 In terms of new residential development, Policy DM1 advises that the Council will protect the character and residential amenity of existing areas of housing from forms of backland, infill or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

* 1. Tandem development
  2. Servicing by an awkward access drive which cannot easily be used by service vehicles
  3. The generation of excessive levels of traffic
  4. Loss of residential amenity
  5. Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc.)

8.2.3 Traffic generation, access for service vehicles and impact on residential amenity are discussed in the relevant analysis sections below and it is noted that the proposal would not result in tandem development.

8.2.4 Policy DM1 and the Design Criteria at Appendix 2 of the Development Management Policies document further set out that new development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials. Oversized, unattractive and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the street scene.

8.2.5 Specific guidelines state that development at first floor level and above should be set in from flank boundaries by a minimum of 1.2m; and that generally the maximum depth of single storey rear extensions should be 3.6m although this distance may be reduced if the extension would adversely affect adjoining properties or be unduly prominent.

8.2.6 The development proposes a two storey rear extension; due to the relationship with the neighbouring properties to the south of the site the flank elevation of the development would be visible from Barton Way and New Road. The two storey rear extension would not be significant in depth at first floor level and the roof form of the extension would be set well below the ridge of the dwelling. The proposed two storey rear extension would therefore appear subordinate in scale to the main building. The proposed ground floor aspect would have a depth of 4m however due to its height it would not appear unduly prominent. The properties along New Road vary significantly in size and scale and opposite the site are the library and a Club building, the built form within the vicinity of the site is therefore varied. Thus, although visible, the size and scale of the proposed development would not result in a disproportionate addition and would not result in an unduly prominent feature within the varied street scene.

8.2.7 The plans detail that a bin store would be erected along the southern boundary. No elevations of the bin store have been provided. The bin store would be visible from Barton Way however it would be in place of an existing garage thus the siting of the bin store would not result in any demonstrable harm to the visual amenities of the street scene. Any planning permission would include a condition requesting details of the proposed bin store to be submitted.

8.2.8 The development would also result in subdivision of the dwelling to contain two, two bedroom flats. In relation to the conversion of single dwellings into two or more units Policy DM1 of the Development Management Policies document advise that subdivision will generally be acceptable where:

1. The building is suitable for conversion by reason of its size, shape and number of rooms. Normally only dwellings with three or more bedrooms will be considered suitable for conversion
2. The dwellings created are completely self-contained, with separate front doors either giving direct access to the dwelling, or a secure communal lobby or stairwell which itself has a secure entrance
3. Adequate car parking, services and amenity space can be provided for each new unit in compliance with the Council’s standards
4. The character of the area and the residential amenity of immediate neighbours are protected
5. If conversion of semi-detached dwellings is proposed, generally this takes place in pairs in order that privacy and the amenities of the occupants of the adjoining dwelling are maintained.

8.2.9 Points iii and v will be covered in the relevant parts of this report.

8.2.10 In relation to impact on character of the area, the existing dwelling has three bedrooms and would be considered to be of a suitable size for conversion; furthermore, as advised above the proposed extension would not result in any demonstrable harm to the visual amenities of the street scene. The proposed flats would both be self-contained with separate front doors. Although Barton Way predominantly consists of single residential units the area within the vicinity of the site is varied with both commercial and residential properties sited along New Road including flatted development. As such, taking into account the varied nature of the surroundings of the site, it is not considered that the proposed subdivision of the dwelling and site would result in a contrived form of development. Furthermore, the subdivision of the building would not be readily apparent within the street scene. The proposed development would result in an extension to the dwelling however the properties along Barton Way and New Road have been extended to varying degrees. The proposed development would also result in the addition of a side door to serve the first floor flat. The side door would be visible along Barton Way however it would not represent an uncommon feature and would not appear incongruous. The addition of a side door to provide a separate access to serve the first floor flat would therefore not materially alter the appearance of the building within the street scene or result in any demonstrable harm.

8.2.11 The rear garden would be subdivided to create two separate amenity space provisions. Although the plots would be smaller than No.2B and other properties along Barton Way, the subdivision of the garden would not be readily apparent from public vantage points, thus would not result in any demonstrable harm. Furthermore, the garden would be subdivided lengthways where the proposed layout of the plot would respect the character of the area, and the resulting width of the amenity space would be comparable to dwelling on New Road to the south.

8.2.12 The proposed development would result in parking along the side and to the front of the dwelling. Three parking spaces would be provided to serve the proposed development through the addition of hardstanding to the front of the dwelling. The extent of hardstanding proposed would not result in any demonstrable harm to the amenities of the street scene. The extent of parking and parking layout would not be materially different to that that could serve the individual dwellinghouse. Furthermore, the bins would be stored within a bin store which as advised above would not result in any harm to the visual amenities of the street scene subject to details which would be required by condition. As such, the proposed subdivision of the dwelling and plot would not result in a contrived form of development within the street scene or result in any demonstrable harm on the varied character of the area.

8.2.13 In summary, while the development would alter the character of the application site, subject to conditions it is not considered that there would be harm to the site or area justifying refusal of permission and the proposal would be acceptable in accordance with Core Strategy Policies CP1, CP3 and CP12 and Policy DM1 and Appendix 2 of the Development Management Policies document.

8.3 Impact on Neighbours

8.3.1 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 residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

8.3.2 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.

8.3.3 The proposed two storey rear extension would be set in from the common boundary with No.2B by approximately 3.3m. The proposed first floor level would hit but would not intrude the 45 degree splay line take from the rear elevation of No.2B at a point on the joint boundary. The depth of the proposed first floor aspect of the two storey extension would therefore not result in any unacceptable loss of light or harm to the visual amenities of No.2B. The proposed first floor aspect of the rear extension would also be subordinate in scale to the main dwelling. The height and depth of the proposed extension would therefore not appear unduly dominant in relation to No.2B; the impact on the neighbouring property would be further mitigated by the set in nature of the proposed development. The neighbour has raised concerns that the proposed development would result in loss of sunlight to No.2B. The application site is located to the south of the neighbouring property, however, as identified the proposed first floor level of the extension would be set in from the common boundary and would be of a depth and height that would not result in any unacceptable loss of natural light to No.2B or result in an oppressive relationship. The proposed single storey aspect would have a depth of 4m which would exceed the 3.6m maximum depth for single storey rear extensions as set out within the Design Criteria. The proposed extension would however be set in a sufficient distance from the boundary with No.2B as to not result in any harm to the residential amenities of the neighbouring property.

8.3.4 The southern boundary of the site adjoins the rear boundaries of the properties fronting New Road and an access road serving the garages of the neighbouring properties runs along the common boundary. The proposed extension would also be set in from the southern boundary. The separation between the proposed development and neighbouring properties to the south would be sufficient to prevent any unacceptable loss of light or harm to the visual amenities of these neighbouring properties.

8.3.5 Policy DM1 of the Development Management Policies document advises in relation to the conversion of single dwellings into two or more units that if conversion of semi-detached dwellings is proposed, generally this should take place in pairs in order that privacy and the amenities of the occupants of the adjoining dwelling are maintained.

8.3.6 No.2B is the adjoining neighbouring property and consists of a two storey dwelling. This property is not proposed to be subdivided. The ground floor flat would contain a living and dining room adjacent to the flank wall with No.2B serving the ground floor accommodation of the neighbouring dwelling. This would not result in an unacceptable relationship. The proposed development would include a living/dining room at first floor level that would be positioned adjacent to a bedroom serving No.2B. This relationship is not encouraged however when the dwelling is to be subdivided the works would be required to be carried out to modern living standards and Building Regulations. It is therefore considered that sufficient works would be carried out to ensure that noise generated from the proposed first floor flat would not result in any unacceptable noise and disturbance to No.2B. Furthermore, the proposed development would not result in any unacceptable levels of overlooking into No.2B in comparison to the existing situation. As such, although No.2B would not be converted it is not considered that the proposed subdivision of the dwelling would result in any unacceptable harm to the residential amenities of No.2B.

8.3.7 The proposed fenestration to be inserted within the proposed extension would not result in any unacceptable overlooking of the surrounding neighbouring properties. The existing boundary treatment would be sufficient to prevent any unacceptable overlooking from the proposed ground floor flank windows and door.

8.3.8 In relation to the future occupants of the development the kitchen/dining room would be sited over a proposed bedroom. As previously highlighted the proposed works would be required to be carried out in accordance with current building regulations and it is not considered that the layout of the units would result in an unacceptable relationship as to justify a reason for refusal.

8.3.9 The proposed development would result in the subdivision of the garden. The ground floor flat would be served by amenity space provision to the north of the plot. The block plan and floor plan detail that the ground floor flat would have an outlook onto the garden serving the ground floor flat and the access to the garden serving the first floor flat. The ground floor flat would therefore not overlook the garden serving the first floor flat, although a condition would be attached to any planning permission requesting specific details of the type and siting of the proposed boundary treatment. There would be a degree of overlooking from the first floor flat into the garden serving the ground floor flat however this would be an inherent relationship and would not result in any demonstrable harm to the occupants of the proposed unit.

8.3.10 In summary, subject to conditions on any consent, it is not considered that the proposed development would result in unacceptable adverse impacts on the residential amenity of any neighbouring dwellings so as to justify refusal of the development which would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM9 and Appendix 2 of the Development Management Policies document.

8.4 Amenity Space

8.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document sets out indicative amenity space standards and advises that a one-bedroom flat should have 21sqm amenity space with 10sqm for each additional bedroom. The amenity space may be allocated specifically to each flat or provided communally. It may be provided in the form of private gardens or in part may contribute to formal spaces/settings for groups of buildings or existing mature trees but communal space for flats should be well screened from highways and casual passers-by.

8.4.2 The proposed development would generate a cumulative requirement for 62sqm amenity space provision.

8.4.3 The flats would be served by individual gardens which would both have an area of approximately 60sq.m.

8.5 Highways, Parking and Access

8.5.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access. The Highways Officer has not raised an objection to the proposal subject to further details of parking arrangements and a construction management plan which would ensure that the development would not result in an unacceptable impact on highway safety or flows.

8.5.2 Concerns have been raised due to the siting of the unit close to the junction with New Road. However, the Highways Officer raised no objection to the proposed conversion of the dwelling into two units in relation to impact on highway safety subject to a condition regarding visibility splays.

8.5.3 Core Strategy Policy CP10 also requires that development makes adequate provision for all users including car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and advise that a one-bedroom dwelling should provide parking for 1.75 vehicles (1 assigned space) and a two bedroom dwelling should provide parking for 2 vehicles (1 assigned space). The policy advises that in areas of high accessibility, a reduction in parking provision may be appropriate.

8.5.4 The development would generate a requirement for 4 spaces (2 assigned spaces).

8.5.5 The proposed site plan indicates parking for three vehicles.

8.5.6 There would therefore be a shortfall of 1 space to serve the development, although the requirement for assigned parking would be met.

8.5.7 The site is located in close proximity to New Road and Croxley Railway Station and therefore local services as well as public transport. The site is also located opposite the access serving a public car park. As such, it is not considered that the shortfall in 1 space to serve the development would result in demonstrable harm through impact on highways justifying refusal of permission and on balance the parking provision is considered acceptable.

8.6 Refuse and Recycling

8.6.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

8.6.2 A bin store is proposed to be sited along the south boundary and would provide easy access for roadside collection, however further details of the scale of the bin store would be required to ensure that there would not be an adverse impact on the character of the area.

8.7 Sustainability

8.7.1 Policy CP1 of the Core Strategy requires all applications for new residential development of one unit or more to submit 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.

8.7.2 Policy DM4 of the Development Management Policies document 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.

8.7.3 The application is accompanied by an Energy Statement which indicates that the development would achieve at least a 13.87% reduction in carbon dioxide emissions through energy efficiency measures and a condition on any consent would require that the development is carried out in accordance with the Energy Statement. Subject to this condition, the development would meet sustainability requirements in accordance with Core Strategy Policy CP1 and Policy DM4 of the Development Management Policies document.

8.8 Infrastructure and Affordable Housing

8.8.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing.

8.8.2 However, the Government issued a Ministerial Statement by Brandon-Lewis on 28 November 2014 advising that affordable housing and tariff style developer contributions should not be sought for sites of 10 units or fewer and which have a maximum combined gross floorspace of 1,000sqm. The National Planning Practice Guidance was updated to reflect this. Although this position was subject to legal challenge, the national policy position was reinstated following the decision of the Court of Appeal on 11 May and Government policy is now that affordable housing contributions should not be sought on schemes which comprise fewer than 10 units.

8.8.3 The change in national policy means that the Council does not currently seek contributions for affordable housing as part of applications proposing 10 dwellings or fewer that have a maximum floor space of 1,000sqm.

8.8.4 The current application would result in a gain of one dwelling on the site and the floorspace would not exceed 1,000sqm. As such, in light of the change to national policy the development would no longer attract a requirement to contribute to affordable housing in accordance with Core Strategy Policy CP4 and a Section 106 agreement would not be required.

8.8.5 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy was adopted in February 2015 and came into force on 1 April 2015. CIL would apply to the proposed development.

8.9 Biodiversity

8.9.1 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.

8.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy, and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The proposed development would result in alterations to the existing roof and the demolition of the existing garage and as such an informative regarding bats would be attached to any planning permission.

8.10 Landscaping

8.10.1 No protected trees would be affected by the proposed development. The scheme however would result in alterations to the frontage including the soft landscaping to the front and as such a hard and soft landscaping condition would be attached to any planning permission to ensure the works respect the character of the area.

9. **Recommendation**

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: PL 01A, PL 02 B, PL 03B

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and residential amenity of neighbouring occupiers, in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM9, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 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 ensure a satisfactory appearance of the development and to maintain the character and appearance of the area 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).

C4 Prior to the implementation of the parking as shown on plan PL 01A a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development shall be submitted to and approved in writing by the Local Planning Authority.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be carried out in accordance with a programme to be agreed and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

Reason: This condition is a pre commencement condition in the interests of visual amenity 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).

C5 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality 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 detail of the proposed bin and cycle store have been submitted to and approved in writing by the Local Planning Authority. Details shall include the siting, size and appearance of bin store on the premises. The development hereby permitted shall not be occupied until the approved scheme has been implemented and these facilities should be retained permanently thereafter.

Reason: To ensure that satisfactory provision is made, in the interests of amenity and to ensure that the visual appearance of such provision is satisfactory in compliance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM10 and Appendix 2 of the Development Management Policies document (adopted July 2013).

C7 The development shall not be occupied until the parking spaces as shown on drawing PL-01 Rev A have been constructed in accordance with the approved plan. The parking spaces shall thereafter be kept permanently available for the use of residents and visitors to the site.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C8 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.

C9 The existing dropped kerb for existing vehicular access into/out of the site to Barton Way shall be retained, as existing. The development shall not be occupied until 0.65m x 0.65m pedestrian visibility splays have been provided each side of the access, measured from the point where the edges of the access cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary, therefore forming a triangular visibility splay. Land within the visibility splays shall be cleared of any obstruction between 0.6 and 2 metres in height and maintained clear of any obstruction at all times.

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

9.2 **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 £97 per request (or £28 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. The Council's Building Control section can be contacted on telephone number 01923 727132 or at www.threerivers.gov.uk for more information and application forms.

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

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

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. 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 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. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

I3 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.

I4 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.