

PLANNING COMMITTEE – 22 SEPTEMBER 2022

PART I - DELEGATED

6. 22/1160/FUL – Demolition of existing conservatory to the rear and construction of single storey side and rear extension and two storey rear extension including rear dormers at 16 THORNHILL ROAD, MOOR PARK, HERTFORDSHIRE, HA6 2LW.

Parish: Batchworth Community Council.

Ward: Moor Park and Eastbury

Expiry of Statutory Period: 24.08.2022

Case Officer: Freya Clewley

Extension of time: EOT 30.09.2022

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Called in by 3 Members of Planning Committee. Called in for the following reasons:

- Bulk, scale and massing of the rear extensions
- Design is unsympathetic to a pre-1958 building
- Dominance of two rear dormers
- Alterations to fenestration
- Impact upon the Conservation Area

1 Relevant Planning History

1.1 W/764/58 – Bay window, alterations to garage – Permitted 16.06.1958.

1.2 W/455/59 – New ground floor room – Permitted 07.04.1959.

1.3 W/2246/65 – Carport – Permitted 26.11.1965.

1.4 97/0513 – Part two storey and part first floor side extension – Permitted 13.08.1997.

1.5 98/0640 – Single storey conservatory to rear and replacement car port – Permitted 23.09.1998.

1.6 20/0066/FUL – Two storey side and rear extensions, rear dormers, loft conversion including increase in ridge height and rear rooflights, relocation of access door and construction of bay window and porch canopy – Withdrawn 31.03.2020.

1.7 21/1651/FUL – Alterations to the front elevation, single storey side extensions, two storey rear extensions with rear dormer windows and raise in ridge height – Withdrawn 28.09.2021.

1.8 21/2571/FUL – Single storey side extensions and two storey rear extensions and roof alterations including increase in ridge height – Refused 19.01.2022. Refused for the following reasons:

R1 The proposed two storey rear extensions and increase in ridge height, by virtue of their scale, roof form and design, would result in disproportionate and contrived additions that would subsume and undermine the traditional form and architectural quality of the pre-1958 dwelling. The extensions would therefore appear unsympathetic resulting in a dominant form of development that would have a significant adverse impact on the character or appearance of the host dwelling, street scene and Moor Park Conservation Area. The proposed development would cause less than substantial harm under paragraph 202 of the NPPF and is not outweighed by public benefits. As such the proposal is contrary to Policies CP1 and CP12 of the Core

Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (2006) and NPPF (2021).

R2 In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental impact to trees which are protected by reason of the conservation area designation, given the proximity of the proposed development to the root protection area of the trees and the extent of ground and surface works required. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected trees contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and paragraph 131 the NPPF (2021).

2 Description of Application Site

- 2.1 The site is located on the southern side of Thornhill Road within the Moor Park Conservation Area. Moor Park is located to the south east of Rickmansworth town centre and a large proportion is designated as Conservation Area. The Conservation Area was designated in 1995 and is surrounded on three sides by countryside which is designated Green Belt land. It is almost wholly residential in character, comprising mainly of detached dwellings on large plots.
- 2.2 The site contains a detached dwellinghouse with an existing adjoining pitched roof garage lean to structure to the west, eaves height dormer windows within the front elevation serving the first floor accommodation and a dark tiled Dutch hipped roof form with characteristic chimney features. The dwelling is finished in mixed red brick with original leaded windows and a central gable feature to the frontage, significantly set down from the maximum ridge of the dwelling. The central gable feature to the rear is finished in timber cladding at first floor level and there is an existing single storey rear extension in situ. The site has an existing carriage driveway with space for at least three vehicles. There are a number of mature trees and shrubs located within the application site, the majority of which are afforded protection by virtue of their location within the Conservation Area.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of the existing conservatory to the rear, and the construction of a single storey side and rear extension, and two storey rear extension including rear dormers. The proposed development would result in a five bedroom dwelling, with one of the first floor rooms being used as a study (potential for two additional bedrooms).
- 3.2 The proposed single storey side extension would be constructed to the western flank of the host dwelling, to the rear of the existing garage. The side extension would have a width of 3m and a depth of 8.4m, extending 3m beyond the existing conservatory and lean to, to the rear of the garage. The side extension would adjoin the proposed single storey rear extension, creating a wraparound. The side extension would have a pitched roof form with a maximum height of 4.1m and an eaves height of 2.3m, reflecting the existing height and roof form of the garage. Fenestration is proposed within the front, western flank and rear elevations of the side extension. Additional fenestration is proposed within the eastern flank of the host dwelling at ground floor level.
- 3.3 The proposed two storey rear extensions would be constructed in line with the existing flank elevations of the host dwelling and would have a depth of 4.7m from the eastern aspect, a depth of 3.4m from the western aspect of the rear elevation, and a central depth of 4.5m. The two storey rear extension to the western aspect would have a catslide roof form, incorporating the single storey rear extension. This element would have a maximum height of 7.3m. A pitched roof dormer window is proposed within the roofslope of the rear

extension, serving the first floor accommodation. The two storey rear extension to the east would have a hipped roof form of the same height and a rear dormer with a pitched roof form, mirroring the other proposed rear dormer to the west, serving the first floor. The central two storey rear extension would have a pitched roof form, creating a two storey rear gable feature. This element would have a maximum height of 7.3m and an eaves height of 4.5m. Fenestration is proposed at ground and first floor levels of the two storey rear extension. An additional window is proposed at first floor level within the eastern flank elevation.

- 3.4 The proposed development would not result in any alterations to the front elevation of the host dwelling with the exception of the replacement of the ground floor window within the two storey front gable feature with a new window. The replacement would be like for like.
- 3.5 Amended plans were sought and received to retain the front elevation of the host dwelling as existing. In addition, further internal walls were retained, including reference to existing beams.
- 3.6 The current application has a similar description to the previously refused application reference 21/2571/FUL. The previously proposed side extension to the eastern flank has been removed, the depth of the two storey rear extension has been reduced and no increase in ridge height is proposed under the current application.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

Batchworth Community Council (BCC) notes that this application has slightly reduced the scale of the previous refused application 21/2571/FUL including the ridge height reduction and part of the extensions pulled back a small amount.

However, this application still does not account for the feedback and comments from the Planning Officers included in their previous decision and/or the comments from Moor Park 58 and BCC from the previous application. As a result, BCC objects to this application for the following reasons.

- *The treatment of the ground floor front elevation of this 1920/1930's property will have a negative effect on the character and appearance of the property. This is contrary to statements in the Heritage Statement*
- *Similarly, the extensive removal of existing walls is detrimental to the property and MPCA.*
- *The overall scale of the planned development undermines this pre 1958 property and requires scaling back. The extent of the increased footprint can clearly be seen from the proposed roof plan.*
- *We would ask that a condition is added whereby all existing retained walls as shown on the current drawings must be retained and that this is carefully monitored throughout the project.*
- *Once an approved application is reached, and we do not believe we are there yet, we would ask that within the decision it is added that no further permitted development rights be considered.*
- *At the time of our submission, we note that the Conservation Officer is yet to comment on this new application. BCC would ask the Planning Officer to advise when this is available and allow BCC to further comment follow our review.*

4.1.2 National Grid: No response received.

4.1.3 Landscape Officer: [No Objection]

The proposed extensions would not themselves impact the protected trees within and surrounding the application site as the works would be contained within the footprint of the existing built form/patio. However, concerns are raised as to how the trees would be protected during construction works, including how the site would be accessed, given the limited access to the sides of the dwelling. Therefore, it is considered reasonable to attach a condition to require an Arboricultural Method Statement and Tree Protection Plan to be submitted to, and approved by the LPA prior to the commencement of works.

4.1.4 Conservation Officer: [No Objection]

The proposed scheme for 16 Thornhill Road is much improved from the previous schemes. The form and appearance of the extensions is sympathetic to the host, mirroring existing features and design. The proposed rear extensions are well set down so they appear subservient. Although large, on balance they would preserve the significance of the Conservation Area.

There are outstanding concerns regarding the alterations to the front elevation. The re-positioning of the fenestration would be unnecessarily harmful and erode the original appearance of the principal elevation. The front elevation should be left as existing in order to preserve the character of the property and wider conservation area.

4.1.5 Moor Park 1958 Limited: [Objection]

The Directors of Moor Park (1958) Limited wish to express the following strong objections, concerns and related material planning comments on the submitted application as set out below.

1. *At the outset we wish to very clearly state that, in our opinion, there are far too many similarities contained in this current application and other similarly described supposed "extension and alteration" type schemes, that eventually resulted in the complete demolition of important pre-1958 dwellings elsewhere in the Moor Park Conservation Area, not least at 27 Sandy Lodge Road and very recently 30 South Approach.*

As with the current application, these similarities included (i) substantial extensions at ground, first floor and roof levels, (ii) 'wrap around' style extensions, (iii) alterations to front elevations/fenestrations and (iv) substantial internal demolition at ground and first floor level.

In light of this, we would respectfully, but very purposefully ask that, whatever decision the Council eventually makes on the current or subsequent schemes at this site, that it puts every conceivable planning constraint, restriction, control, condition and monitoring in place (with such notifications being sent to/served on all involved in the scheme including the scheme architect, the property owner(s) and the nominated main contractor/site manager) to prevent the eventual unauthorised demolition of yet another important "original/pre-1958" dwelling within the Moor Park Conservation Area from happening yet again.

2. *In terms of the latest application details themselves, whilst we recognise the reduction in the scale of the current scheme compared to the recent refusal (ref 21/2571/FUL – January 2022), the application proposal still nevertheless very clearly includes a very substantial form of development at the rear of this important pre-1958 dwelling.*

As a result, we wish to raise our strong objections to the application on the basis of the following adverse, harmful and unacceptable impacts:-

- The overall bulk, excessive scale and massing of the rear extensions (**which appear to be at a slightly greater depth than the refused scheme and have returned to the ground floor depths of earlier withdrawn applications**),
- The almost doubling of the depth of the existing dwelling, especially on the eastern (side) flank, which results in the effect of closing the gaps and spacing from angled views between dwellings in the Conservation Area street scene,
- The bulk and width of the rear extension that projects across the full width of the existing dwelling **and offers absolutely no relief whatsoever or “set in/stepping in” from the width/flanks of the original dwelling**,
- The “wrap around” nature of the proposed development at ground floor level that would be insensitive and unsympathetic to this part of the pre-1958 host building,
- The consequential lack of subserviency of the proposed rear aspect of the development as a whole that would demonstrably overwhelm the host dwelling, i.e. while the two storey rear extension is set down from the ridge, it is not “set in” from either flank and hence therefore demonstrably fails to be subservient in its full scale and impact when compared to the character and appearance of the existing rear elevation of the dwelling,
- The oversized and over-dominant scale of the two rear dormers,
- The extent to which external and internal walls are still shown to be fully or partly removed and
- The alteration to window location/sizes on the front elevation at ground level that were clearly part of the design of the original 1920’s/1930’s dwelling and, by altering them, will further undermine the inherent character and appearance of the dwelling **NOTE – this means paragraphs 6.2 and 6.9 in the submitted Heritage Statement are clearly completely incorrect and misleading and hence should either be urgently amended or entirely disregarded. In addition, we suggest that para 2.1 also requires some attention.**

In our opinion all of the shortcomings listed above would result in material harm to the property and its immediate surroundings, by virtue of the substantial and excessive scale and mass of the proposed range of rear extensions that would undermine the property’s style, character and relatively unaltered form, which is especially of significant importance in this case, given its status as one of the founding pre-1958 dwellings on the estate that make a positive contribution in the Moor Park Conservation Area.

While being “at the rear”, we are very mindful of earlier comments by the Council in regard to this application site, that clearly stated as follows:-

“I acknowledge that the rear elevation is not seen from the public domain, however, lack of visibility does not automatically equate to lack of harm and the alterations would be visible from the gardens of neighbouring dwellings which also sit within the conservation area.”

As a consequence, the totality of the proposed development would demonstrably fail to respect, protect and safeguard the existing dwelling, and equally fail to preserve or enhance the character and appearance of the designated Moor Park Conservation Area.

In light of the above, the scheme fails to accord with the provisions of the approved MPCA as set out in paragraphs 2.7, 3.1m 3.4 and 3.6 of that document.

3. *The previous application was refused by the Council for the following reasons, namely:-*

“The proposed two storey rear extensions and increase in ridge height, by virtue of their scale, roof form and design, would result in disproportionate and contrived additions that would subsume and undermine the traditional form and architectural quality of the pre-1958 dwelling. The extensions would therefore appear unsympathetic resulting in a dominant form of development that would have a significant adverse impact on the

character or appearance of the host dwelling, streetscene and Moor Park Conservation Area....”

“In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental impact to trees which are protected by reason of the conservation area designation, given the proximity of the proposed development to the root protection area of the trees and the extent of ground and surface works required. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected trees....”

Apart from the fact that there is now no proposed increase in ridge height (which we of course welcome), we are nevertheless of the opinion that the exact same objections and reasons for refusal can equally be levelled at this latest application. Consequently, we can see sound grounds for the Council to come to the same conclusion and to again justifiably refuse planning permission.

As an aside, we cannot see any submissions within the application to specifically address the Council’s second reason for refusal.

- 4. The submitted drawings advise that the proposed plot coverage in the submitted scheme has been reduced and is now further below the maximum of 15% as set out in paragraph 3.4 of the approved MPCA.*

In the interests of maintaining and preserving one of the key aspects that define the character and appearance of the Moor Park Conservation Area in terms of the openness/spacing and the generally low level of development on individual plots, we would ask that the Council has full regard to the provisions of para 3.4 of the MPCA in the assessment and determination of this application. As part of this, we would respectfully ask that the exact dimensions of the site be closely assessed and measured on site before the application is decided.

If any discrepancy is found in the calculations, that in turn results in any significant increase in the actual plot coverage, we would request that the application be strongly resisted by the Council on the basis of the above concerns.

*Furthermore, it is our view, that the implications of the **removal of all residential permitted development rights** will need to be taken fully into account by the Council in the determination of the application**.*

***NOTE – We make this point on a “without prejudice” basis, such that our strong “in principle” objections to the scheme should be afforded full weight and not in any way be undermined by the comments concerning permitted development.*

- 5. It is clear that the current application, apart from following a recent refusal highlighted at para 3 above, also follows a preapp response by the Council of a scheme for a range of extensions at the rear of the dwelling as the current application, under ref 20/1945/PREAPP. This followed an earlier preapp that was also heavily criticised and a withdrawn planning application.*

As a reminder of the strength and robustness of the opposition to the 2020 preapp scheme and taking the summary alone, the Council is reminded that it said, inter alia:-

“Overall it is considered that the proposed extensions and alterations would erode a significant amount of the original fabric of the dwellinghouse....”

“.....it would be considered that the proposal would result in a demolition of a pre-1958 dwelling....”

“The proposed extensions and alterations would fundamentally alter the external appearance of the dwelling, with the extensions to all elevations and roof level subsuming the host dwelling....”

“This would result in harm to the significance of the dwelling as one of the original buildings within the development....”

“The depth of the proposed extensions, varying eaves heights, complex roof forms and forward projecting porch feature and symmetrical design features would detract from the character and appearance of the host dwelling and Conservation Area....”

In our opinion, the rear extensions and overall proposals in the current application appear to have again broadly ignored the key and unequivocal aspects of the Council’s recent refusal of planning permission and the previous advice as set out in its preapp responses.

While we acknowledge certain aspects of the scheme have now been further ‘scaled back’, the effect overall really has only been another very thin “slicing off” of some elements of the scheme. It is very clear to us that the development has fundamentally not been “substantially reduced” as previously specifically requested by the Council and consequently, as stated many times above, the existing pre-1958 dwelling is materially and substantially harmed and over dominated by the depth, bulk and scale of the proposed extensions at the rear of the dwelling.

In our opinion it is insufficient to regard this latest application on the basis of how far it has been reduced since earlier attempts, but whether genuinely and demonstrably the scheme is entirely appropriate and acceptable in terms of its overall impact on the important host dwelling and the wider Conservation Area.

The submitted “roof plan” or submitted “proposed site plan” or “ground floor plan” or “rear elevation” shows the exact and overwhelming scale of development that is still proposed.

6. *Finally, on a more technical issue, we note that the Council’s description of development includes reference to a “rooflight”. We cannot see a rooflight on any of the submitted application drawings and therefore would appreciate clarification as to whether this is merely a typo error or a misreading of the drawings when registering the application. However, if we have misread the drawings ourselves, we would request that if any such velux rooflight is (or might be likely to be) visible from the street scene, it should be deleted from the application prior to determination.*

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

Officer Comment: ‘All material planning considerations are outlined within the relevant analysis section below. The reference to a proposed rooflight has been removed as no rooflights are proposed as part of the current application.’

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 11

4.2.2 No of responses received: 1 supporting

4.2.3 Site Notice: Expired: 27.07.2022. Press notice: Expired: 15.07.2022.

4.2.4 Summary of Responses:

- The front aspect is in keeping with the street scene.

- The rear and side elevations are well proportioned, attractive and retain the character of the existing property.

5 Reason for Delay

5.1 Amended plans sought and received.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

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

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

6.2 The Three Rivers Local Development Plan

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

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

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

6.3 Other

The Moor Park Conservation Area Appraisal (adopted October 2006).

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

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

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

7 Planning Analysis

7.1 Impact on Character, Street Scene and Conservation Area

7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) 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'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.

7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD relates to residential development. It sets out that '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 (eg hedges, walls, grass verges).

7.1.3 The NPPF gives great weight to the conservation of heritage assets and requires 'clear and convincing justification for any harm to or loss of significance and requires new development within Conservation Areas to enhance or better reveal their significance'. Policy DM3 of the Development Management Policies LDD relates to development in Conservation Areas and states that development will only be permitted if it is of 'a design and scale that preserves or enhances the character or appearance of the Conservation Area'. The Moor Park Conservation Area Appraisal also provides further guidance in order to preserve the special character of the Conservation Area.

7.1.4 The appearance of the Moor Park Conservation Area is characterised by the following features, as identified in the Moor Park Conservation Area Appraisal which was adopted in November 2006 following public consultation:

- Houses built in the 1920s/1930s – 1950s and set back in spacious surroundings.
- Many beautiful trees set around wide avenues.
- Spectacular views along tree lined roads.
- Open frontages separating gardens from the estate road verges.
- Grass verges and shingle paths.
- Attractive roads in differing scales.
- Many characteristic original features including chimneys.

7.1.5 Appendix 2 of the Development Management Policies document states; '*oversized, unattractive and poorly sited additions can detract from the character and appearance of the original property and the general street scene*'. Applications for front extensions will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent within the streetscene. With regard to distances to the flank boundaries, the Moor Park Conservation Area Appraisal advises the following in order to retain the spacious character of the area:

A minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevations, subject to a distance of not less than 1.5m being kept clear between flank walls and plot boundaries.

7.1.6 The proposed development would result in the demolition of the existing side projection; however a distance of 1.7m would be provided between the western flank elevation of the dwelling and the eastern boundary. The proposed development would also equate to a plot

frontage width of approximately 78%. As such, this would comply with the guidance set out in the Appraisal.

7.1.7 In addition, the Moor Park Conservation Area Appraisal states that:

Buildings, including all out buildings (garages, car ports etc), should not cover more than 15% of the plot area. The building cover includes any areas at first floor level which overhang the ground floor or any built areas at basement level where these extend beyond the ground floor.

7.1.8 The site has an area of 1,368m², and the proposed building footprint equates to 188m². This equates to a plot coverage of approximately 13.7%. Therefore, the plot coverage would comply with the 15% guidance set out in the Appraisal. The plot width coverage and building footprint would therefore comply with the guidance set out within the Moor Park Conservation Area Appraisal, and would not result in harm to the open character of the Conservation Area.

7.1.9 Notwithstanding this, the proposed development would result in significant alterations to the rear elevation of the existing building. The application dwelling is located within the Moor Park Conservation Area and is considered to be one of the earliest buildings within the development, predating 1958 which is demarked as a turning point in the history of the area, coinciding with the dissolution of the original Moor Park Estate Company.

7.1.10 As such, the character and quality of the building is considered to make it an important positive contributor to the significance of the conservation area. The property displays a number of original architectural features indicative of the key characteristics found within the conservation area, including chimneys, roof form and distinctive Arts and Crafts building style. Whilst the building has been altered over the years, including extensions to the rear, these changes have been largely sympathetic and retained the overall character of the property. The existing building is therefore considered to make a positive contribution to the character and appearance of the Conservation Area.

7.1.11 The development proposes two storey extensions to the rear of the dwelling. The development proposes the introduction of a 4.5m deep two storey extension to the rear of the existing rear gabled projection. The proposal would result in the creation of three separate roof pitches to the rear, which is currently characterised by a catslide roof form with a central gabled projection. The proposed development would incorporate a catslide roof form to the western aspect of the rear elevation, and the central two storey rear extension would mirror the existing two storey rear gable feature and as such, it is considered that the design and form of the proposed two storey rear extensions would reflect the existing characteristics of the host dwelling. Furthermore, the two storey rear extensions would be significantly set down from the maximum ridge of the host dwelling and as such, the original rear roof slope of the dwelling could still be read and the existing form of the host dwelling would not be eroded. Given the design of the proposed two storey rear extension, that the extension would not extend beyond the existing flank elevations of the host dwelling, the height and subservience of the two storey rear extension and that the front and flank elevations and roof of the dwelling would be retained, it is not considered that the two storey rear extensions would result in demonstrable harm to the character or appearance of the host dwelling, nor would the proposed extensions appear unduly prominent within the streetscene of Thornhill Road.

7.1.12 Concerns were raised under the previously refused application reference 21/2571/FUL in relation to the loss of historic fabric of this building. The previously refused application demonstrated that much of the original flank walls would be removed or subsumed by the proposed extensions, and whilst the increase in ridge height was not proposed to be substantial, it would have resulted in the need for the roof structure to be almost entirely rebuilt. This would have had a cumulative impact in that very little of the original property would have been retained. The current application seeks to retain the front and flank walls

of the host dwelling as existing with no wrap around two storey extension which would undermine the flanks, although amended plans have been received to retain some internal walls and beams at ground floor level, to support the original two storey flank. Additionally, no alterations are proposed to the front or flank roofslopes of the host dwelling. Therefore, significantly more external and internal walls would be retained as part of the current proposal and the historic fabric would therefore be largely retained. Notwithstanding the above, a condition would be attached to any granted consent to require the submission of a Construction and Demolition Statement to be submitted to and approved by the LPA prior to the commencement of works. In light of the above, whilst significant extensions are proposed to the rear, the original fabric of the house is considered to be safeguarded, nor would the extensions overwhelm the dwelling to such an extent that would result in substantial demolition of the existing house.

7.1.13 In summary, the existing dwelling is a relatively unaltered 1930s building and its style, detailing and materials are characteristic of the Conservation Area such that the host building is considered to make a positive contribution to the conservation area. The proposed development would reflect the characteristics of the existing rear elevation of the host dwelling, and the front and flank elevations would remain largely unaltered. The two storey rear extensions would be significantly set down from the main ridge line of the host dwelling, and would therefore be considered to be subordinate additions to the rear elevation. As such, the proposed development would accord with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, NPPF and the Moor Park Conservation Area Appraisal.

7.2 Impact on Amenity of Neighbours

7.2.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to 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 LDD advises that development should not result in overlooking or a loss of light to neighbours.

7.2.2 Appendix 2 of the Development Management Policies LDD states the following with regard to the assessment for two storey extensions; *'two storey development should not intrude into a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties'*.

7.2.3 The proposed development would extend beyond the rear elevation of No.14. No.14 is set in from the common boundary; the proposed extension would also be set in from the common boundary at ground and first floor level. The first floor level of the extension would not intrude the 45 degree splay line. Taking into consideration the relationship with No.14 and spacing between the dwelling and extensions it is not considered that the proposed development would result in unacceptable loss of light or harm to the visual amenities of No.14.

7.2.4 Again the proposed development would be set in from the common boundary with No.18 and would not intrude the 45 degree. As such, it is not considered that the proposed development would result in unacceptable loss of light or harm to the visual amenities of No.18.

7.2.5 In terms of overlooking, the fenestration to be inserted within the rear elevation of the development would not result in unacceptable overlooking of the surrounding neighbouring properties. The dwelling is served by a long garden as such the proposal would not permit unacceptable overlooking into the neighbouring garden to the rear. The first floor flank windows would be conditioned to be obscure glazed and top level opening only to prevent

overlooking. It is not considered that the ground floor windows to the flank elevations would result in unacceptable levels of overlooking into the surrounding neighbouring properties.

7.2.6 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling or overlooking and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies.

7.3 Amenity Space Provision for Future Occupants

7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision and sets out that a five bedroom dwelling should provide 126sqm amenity space. Approximately 765sqm of amenity space would be retained to the rear, and the proposal is therefore considered to be acceptable in this regard.

7.4 Wildlife and Biodiversity

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

7.4.2 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.

7.4.3 A Biodiversity Checklist has been submitted with the application and indicates that there would be no impact to any protected species. However, as the development would affect the roof space, an informative shall be added reminding the applicant of what to do should bats be found during the course of the application.

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.5.2 By virtue of the location of the application site within the Moor Park Conservation Area, trees with a minimum stem diameter of 75mm at 1.2m above ground level are afforded protection. There are a number of mature trees within the application site. No tree report has been submitted in support of the application.

7.5.3 The Landscape Officer has been consulted on the current application and has confirmed that as the proposed extensions would be contained within the footprint of the existing dwelling and patio, the extensions themselves would not impact the protected trees within or surrounding the application site. However, due to the limited spacing to the flank elevations of the dwelling, the Landscape Officer has requested that a condition is attached to any granted consent to require the submission and approval of an Arboricultural Method Statement and Tree Protection Plan prior to the commencement of works.

7.6 Highways, Access and Parking

- 7.6.1 Core Strategy Policy CP10 sets out that development should make adequate provision for car and other vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision.
- 7.6.2 The proposed development would introduce two additional bedrooms, and the host dwelling would become a five bedroom dwelling. Appendix 5 of the Development Management Policies document outlines that a four or more bedroom dwelling should provide three onsite parking spaces.
- 7.6.3 The existing hardstanding to the application site frontage currently provides parking for at least three vehicles, and the existing hardstanding would be retained as existing. The proposed development is therefore 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: 5681 EX 05, 5681-PL/LP, 5681 PL400 REV A and 5681 PL410 REV B.

Reason: For the avoidance of doubt, in the proper interests of planning and to safeguard the visual amenity of the Moor Park Conservation Area; in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted October 2006).

C3 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

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

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

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage

being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C4 No development or other operation shall commence on site whatsoever until a Construction & Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. This Construction & Demolition Method Statement shall include details of how all existing walls (internally and externally) and roofslopes as shown on drawing number 5681 PL410 REV B to be retained (i.e. hatched in grey (marked as existing)) will be maintained throughout the erection of the extensions hereby permitted with only those walls and roofslopes shown on the abovementioned drawings as proposed for demolition (as shown dashed in orange) to be removed.

The extent of demolition hereby approved shall not be implemented until a contract for the implementation of the works of redevelopment of the site (including submission of the construction drawings) has been made and a copy submitted to and approved in writing by the local planning authority.

Reason: This condition is a pre commencement condition to safeguard the Conservation Area, to ensure that premature demolition does not take place before adequate provision for development works in order that the visual amenities of the area are safeguarded in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

- C5 Before any building operations above ground level hereby permitted are commenced, samples and details, including photographs and a brick test panel sample, of the proposed external materials 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 Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 Before the first occupation of the extensions hereby permitted the window at first floor level in the eastern flank elevation; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window 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).

8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. 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 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228
Natural England: 0300 060 3900

Herts & Middlesex Bat Group: www.hmbg.org.uk
or an appropriately qualified and experienced ecologist.

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