**10. 17/2238/RSP – Part Retrospective: Part single storey and part two storey side and rear extensions, single storey front extension including conversion of garage into habitable accommodation, loft conversion with hip to gable extensions, rear dormer, front rooflights and increase in ridge height and alterations to access at 40, BATCHWORTH LANE, NORTHWOOD, HA6 3DT for Mr Patel**

(DCES)

Parish: Batchworth Community Council Ward: Moor Park & Eastbury

Planning Officer: Jake Shiels Expiry Statutory Period: 8 January 2017

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: Called in by Batchworth Community Council.

1. **Relevant Planning History**
   1. W/284/54: House and garage
   2. 16/0022/PDE Prior Approval: Single storey rear extension (depth 6 metres, maximum height 4 metres and eaves height 3 metres). Application withdrawn, 04.02.2016.
   3. 16/0683/FUL : Part single storey and part two storey side and rear extensions, single storey front extension including conversion of garage into habitable accommodation and loft conversion with rear dormers, rooflights and creation of crown roof. Application refused for the following reasons:

*The proposed development by reason of its siting in close proximity to the boundaries, increased depth, bulk, massing and crown roof design would result in an uncharacteristic and visually prominent form of development, eroding the perception of spaciousness around the dwelling to the detriment of the visual amenities of Batchworth Lane. In addition, the development by reason of its proximity to the boundaries, increased depth, bulk and massing and crown roof design would result in a visually intrusive and overbearing form of development detrimental to the residential amenities of the occupiers of no.38 and 42 Batchworth Lane. This would be contrary to 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).*

*The proposed development would fail to provide sufficient off street car parking provision which would lead to on street parking, therefore resulting in an obstruction to the operation of the adjoining highway. This would be contrary to Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).*

* 1. 16/1870/FUL - Part single storey and part two storey side and rear extensions, single storey front extension including conversion of garage into habitable accommodation, loft conversion with rear dormer, front rooflights and increase in ridge height and alterations to access. Permitted and part implemented, 24.11.2016.
  2. 17/0227/DIS - Discharge of Condition 5 (drainage details) and 6 (construction management plan) pursuant to planning permission 16/1870/FUL. Discharged, 16.03.2017.
  3. 17/1895/NMA - Non Material Amendment pursuant to planning planning permission 16/1870/FUL: Alterations to roof form of dwellinghouse; alterations to fenestration and extension to roof form of front porch. Refused, 12.10.2017.

1. **Site Description** 
   1. The application site consists of a two storey detached dwelling located on the southern side of Batchworth Lane, Northwood which is in close proximity to the junction with Ardross Avenue to the west and Heron Walk opposite.
   2. Batchworth Lane is characterised by detached dwellings of varied architectural style, and it is noted that many have been visibly extended. No.40 has a two storey gabled front projection with hipped roof form adjacent to no.38; a single storey attached garage with part mono pitched roof to the front elevation located adjoining the boundary with no.42. There is a slight gradient within the streetscene, resulting in no.42 to the east of the site being set at an elevated land level to no.40; this dwelling has an existing single storey garage set on the boundary with the application dwelling.
   3. The existing dwelling is served by a single vehicular cross over from Batchworth Lane. There is currently provision for two off street car parking spaces, one within the attached garage and one located forward of this. The remaining front curtilage is laid to lawn.
   4. The dwelling had been previously extended with a single storey rear extension with crown roof form, this extended beyond the flank elevation of the main two storey dwelling. To the side/rear of this is a paved patio which steps down to a lower rear garden area which is laid to lawn.
   5. The dwelling is currently being developed as part of application 16/1870/FUL. The single storey and first floor elements of the proposal have been completed as part of this permission.
2. **Proposed Development**
   1. The applicant seeks part retrospective for a part single storey and part two storey side and rear extensions, single storey front extension including conversion of garage into habitable accommodation, loft conversion with hip to gable extensions, rear dormer, front rooflights and increase in ridge height and alterations to access which is an amendment from 16/1870/FUL.
   2. Application 16/1870/FUL granted permission for a part single storey and part two storey side and rear extensions, single storey front extension including conversion of garage into habitable accommodation, loft conversion with rear dormer, front rooflights and increase in ridge height and alterations to access and the officer report at that time described the development as follows:
   3. *The garage would be converted which would involve the installation of a new window to replace the existing doors. The window would be flush with the existing front wall of the dwelling. The roof form of the existing garage would be adapted from a gable ended flank wall to a hipped roof form. This would have a height of 3m and would be also evident to the side elevation of the dwelling. The front porch would be located adjacent to the gabled front projection. It would have a depth of 1.1m and a width of approximately 2.3m. It would have a hipped roof form with a height of approximately 3m.*
   4. *A two storey side extension would be located adjacent to no.38. It would have a width of approximately 3m with the front wall being level with the recessed front wall of the dwelling. The two storey element would have a depth of 6.9m with the rear wall being flush with the rear wall of the existing dwelling. The extension would be set in 1.2m from the common boundary with no.38. The extension would have a hipped roof form.*
   5. *A first floor side extension would be located adjacent to no.42. The front wall of the extension would be set back from the front wall of the gabled projection by approximately 2m. The first floor side extension would extend the depth of the dwelling with the rear wall being flush with the rear wall of the dwelling. The first floor element would be located 1.5m from the common boundary with no.42 and would also have a hipped roof form.*
   6. *To the rear, a part single storey/part two storey rear extension is proposed. The proposed single storey rear extension would be located adjoining the common boundary with no.42 and would have a depth of 4m. The extension would have a crown roof form with a height 3m. A single storey extension is also proposed adjacent to the boundary with no.38; this would also have a depth of 4m and a crown roof form with a height of 3m.*
   7. *The two storey rear extension would be located centrally with a depth of 4m and a width of 8.7m. It has been designed with a double pitched roof form which would be set down from the main ridge.*
   8. *In addition, a loft conversion is proposed which would involve an increase in ridge height of 0.5m, with a pitched roof form retained. To the rear, a dormer window is proposed, which would have a width of 3.6m, a height of 1.4m and a depth of 1.8m. Two front rooflights are also proposed.*
   9. *A new access on to Batchworth Lane is also proposed in order to form a carriage driveway. The new access would have a width of 3.6m.*
   10. Amended plans were received during this application process and were as follows:

* *Increased distance of 1.5m at first floor level from the common boundary with no.42 Batchworth Lane*
* *Reduction in size of the rear dormer window*
* *Provision of an additional access to form a carriage driveway as suggested by Herts Highways*
  1. From the submitted plans under this application, the following alterations are proposed:
  2. **Front Porch:** this element would be extended in width, extending 5.1m from the flank of the existing porch and would retain a height of 3m, depth of 1.1m from the existing porch which would be staggered to create a depth of 2m from the principal elevation and includes a single window.
  3. **Gable roof with loft extension:** This element would extend the ridge to either side by approximately 4.9m from the approved hipped roof and by 6.15m from the original hipped ridge flanks, with maximum height of 8.3m. The two storey side and first floor side extensions would have gabled roofs to reflect the main roof alteration.
  4. **Dormers and rooflights:** To the rear three pitched roof dormers are proposed. Each dormer would measure 1.7m in height, 2m in depth and 1.7m in width, containing two casement windows.Four rooflights are proposed within the front roofslope.
  5. **Two storey rear extension:** This extension would retain the same depth, height and width as approvedbut would include Juliet balcony railing.
  6. **Approved Access**: This would be retained.

1. **Consultation**
   1. Batchworth Community Council: Application called in to make a representation to the Planning Committee.
   2. National Grid: No comments received.

**4.3** Highways Authority: No objection.

*“****Decision*** *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:*

1. *Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.*

*Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.*

***HIGHWAY INFORMATIVE:***

*Hertfordshire County Council (HCC) recommends inclusion of the following highway informatives / advisory notes (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:*

*AN) Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.*

*Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant’s behalf. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx or by telephoning 0300 1234047.*

*AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website* [*https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspxor*](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspxor) *by telephoning 0300 1234047.*

***COMMENTS / ANALYSIS:***

*The application comprises of the creation of an additional vehicular access/crossover (VXO) and extension of the property at 40 Batchworth Lane, Northwood. Batchworth Lane is designated as an unclassified local distributor road, subject to a speed limit of 30mph and is highway maintainable at public expense.*

*VEHICLE ACCESS & PARKING:*

*The proposed arrangements are shown on the submitted plan no. 15/129/PL03. There is a proposed new VXO / dropped kerb (in addition to the existing access/ VXO). A second dropped kerb to a property would not normally be approved (as documented in HCC’s Residential Dropper Kerbs: Terms and Conditions). However it has been considered that this is acceptable due to the ability and sufficient space for vehicles to enter and exit the driveway in one continuous movement in forward gear. Vehicles would need to be able to enter and egress the property in forward gear. This is a requisite when exiting from or onto a local distributor road as documented in HCCs Roads in Hertfordshire: A Design Guide.*

*EMERGENCY VEHICLE ACCESS:*

*The proposed extension is within the recommended emergency vehicle access of 45 metres from the highway to all parts of the buildings. This is in accordance with the guidance in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses.*

*CONCLUSION:*

*The applicant will need to enter into a vehicle crossover agreement with HCC as Highway Authority (please see above informative) to ensure that the works are in accordance with guidance as recommended in MfS, Roads in Hertfordshire; A Design Guide and Residential Dropped Kerbs: Terms and Conditions and to cover the technical approval of the design, construction and implementation of the highway works within the existing public highway. HCC would not want to restrict the granting of planning permission on highway grounds. However this is subject to the inclusion of the above planning conditions and informatives.”*

**Public Consultation**

**4.6.1** Numbers consulted: 6 No. responses received: 3

**4.6.2** Site Notice: N/A.

**4.6.3** Press Notice: N/A.

**4.6.4** Summary of responses:

* Proposal would bring the development closer to that of the refused 16/0683/FUL application
* Overdevelopment in relation to the number of rooms
* Roof design is out of character
* Additional extensions within roofspace would be intrusive
* Impact on parking
* Access between bathrooms and bedrooms
* Impact on privacy from dormers and roof increase
* Adverse impact on trees
* Overshadowing.
* Overlooking
* Proximity to boundary

**Officer response**: The analysis section of this report will assess the impact of the development on impact on neighbouring amenity and the impact on the character of the street scene.

**5.** **Reason for Delay**

**5.1** Committee cycle.

**6. Relevant Planning Policy, Guidance and Legislation:**

**6.1** The Three Rivers Local Plan

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

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, DM6, DM13 and Appendices 2 and 5.

**6.2** 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 Statements (NPPF). The adopted policies of Three River District Council reflect the content of the NPPF.

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

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

1. **Analysis**
   1. *Design and impact on street scene* 
      1. Application 16/1870/FUL assessed the impact of the part single storey and part two storey side and rear extensions, single storey front extension including conversion of garage into habitable accommodation, loft conversion with rear dormer, front rooflights and increase in ridge height and alterations to access, and was considered acceptable in regard to the impact on impact on street scene for the following reasons:
      2. *The existing garage would be converted to habitable accommodation which would involve the change from a door to a window which would be flush with the existing front elevation of the dwelling. This is a modest change which in itself would not have any significant impact on the streetscene. It is noted that the roof form of the addition would be adapted to a hipped roof form which would minimise the bulk adjacent to the boundary and no significant objection is raised in this regard. In addition, a front extension is proposed to form a new porch. This would project no further forward than the front most projection of the dwelling and therefore would not be excessively prominent within the streetscene.*
      3. *The applicant is also seeking permission for a two storey and single storey side extension to both sides of the dwelling. It is therefore noted that the dwelling would appear significantly wider relative to the existing situation. Neighbours have raised concern regarding the impact on the streetscene, unacceptable terracing to detached dwellings and the possibility of setting a dangerous precedent. Appendix 2 of the Development Management Policies LDD states the following with regard to single storey side and two storey side extensions:*
      4. *Single storey side extensions: proximity to the flank boundary will be individually assessed. ‘Two storey side extensions may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2m. This distance must be increased in low density areas or where the extension would have an adverse effect on an adjoining property.*
      5. *At the time of the previous application, it was considered that the proposed two storey side extensions would have had an unacceptable impact on the visual amenities of Batchworth Lane by reason of the close proximity to the boundaries. The proposed two storey side extension would have been set 0.9m from the boundary with no.38 and would have been constructed immediately adjoining the boundary with no.42. This was considered unacceptable and contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD and would have resulted in a terracing effect, in particular with no.42. The plans have now been amended to indicate that the extension adjacent to no.38 would be set 1.2m from the boundary and the first floor side extension adjacent to no.42 would be set 1.5m from the boundary. These distances are considered to be acceptable and would ensure that a terracing effect would not occur within the streetscene. Whilst development would still be located on the boundary at ground floor level adjoining no.42, the spacing of 1.5m at first floor level would ensure that sufficient spacing is retained to maintain the character and appearance of the streetscene. In addition, the hipped roof form proposed has the effect of minimising the bulk and massing of the development and creating a further perception of spaciousness when viewed from the frontage. It would be unreasonable to object to the built form being located on the boundary with no.42 at ground floor level given that this is the existing situation.*
      6. *A loft conversion is also proposed which would involve an increased ridge height of 0.5m relative to the existing property from a height of 7.8m to 8.3m. An indicative streetscene formed part of the original application and indicated that the development would not be significantly higher than either neighbouring dwelling. In addition, the hipped roof forms to the flank elevation minimises the bulk and massing of the development and maximises the spacing between dwellings. As a result, it is not considered that the development would be excessively prominent so as to result in significant harm. The revised scheme has also omitted the crown roof form proposed at the time of the previously refused application. This is viewed favourably and again this has minimised the overall massing of the development when viewed from the streetscene. It is noted that the height of the gabled projection to the front elevation and the roof pitch of this element would be made shallower. This would not result in any significant impact to the visual amenities of Batchworth Lane due to the varied nature of properties and in addition, the gable would still remain as the principle feature of the dwelling when viewed from Batchworth Lane.*
      7. *The loft conversion also includes the provision of front rooflights. As others are present within the vicinity it is not considered that these would be uncharacteristic. A dormer window is proposed to the rear roof slope. Appendix 2 of the Development Management Policies LDD advises that dormer windows should be subordinate to the roof slope; they should be set in from both sides and back from the plane of the wall. The rear dormer window proposed on the plans was considered relatively wide when compared to the width of the ridge. In response, the plans have been amended to indicate a reduction of 0.8m. Whilst it is acknowledged that this would still be wide, it is not considered to be excessive in depth overall and therefore its prominence is minimised. It is noted that some views of the dormers would be obtained from Ardross Avenue, however, there are views of other dormer windows from this vantage point including at 38 Batchworth Lane and therefore the proposed dormer would not be uncharacteristic.*
      8. *A two storey rear extension is also proposed. Whilst this would not be readily visible from Batchworth Lane, there would be some views from Ardross Avenue. Given this would be set in from the sides of the dwelling and would have a hipped roof form which would be subordinate to the main ridge, it is not considered that significant harm would occur.*
      9. In relation to this application, the most visible alteration would be the alteration from a hip to gable roof of the main roof and subsequently first floor side extensions. Appendix 2 also states that hip to gable extensions are discouraged in the case of semi-detached houses as it is considered that this unbalances the pair and results in a loss of symmetry. In some cases, roof forms in a street may be uniform and therefore this type of alteration may erode the group value of the street and will not be supported by the Council.
      10. It is acknowledged that the general street scene consists of detached and semi-detached dwellings that consist of hipped roof forms. The alteration from a hipped roof to gable would not be consistent with the general character of the street scene. While this is noted, the dwelling is detached and the development would not unbalance a semi-detached partner with adequate spacing to the flanks retained and would not extend deeper to the rear than previously approved. The street scene while generally hipped in roof form consists of a wide variety of design of dwellings with a mix of red brickwork, white render exteriors, timber detailing and a mix of roof forms which include cat slides and various roof tile colours. While hipped roof forms are prominent within the street scene, they range in height, design and form. The adjacent neighbours at 42 and 38 Batchworth Lane are good examples of this. Therefore whilst it is acknowledged that the extension to the roof flanks would be visible within the street scene, it is not considered that the proposed roof form would cause demonstrable harm to the character of the street scene.
      11. The increase in ridge height has previously been supported. The proposed dwelling with gable roof will increase ridge level and it is acknowledged that this would increase the bulk of the dwelling. The indicative streetscene drawing submitted as part of this application indicates that the development would not be significantly higher than either neighbouring dwelling given there would be no increase from the previous proposal. 1.5m-1.2m spacings are achieved to both flanks and it is not considered that the proposal would result in significant bulk and massing.While it should also be noted that the street scene consists of significant detached two storey dwellings that are significant in width at first floor and roof level with altering hipped roofs. As a result, it is not considered that the development would be excessively prominent so as to result in demonstrable harm.
      12. In relation to the loft conversion with rear dormers, three pitched dormers are proposed. Cumulatively, the dormers would be larger in size to the previously proposed wide flat roof dormer. However, the proposed dormers would be considered subordinate given they would be set down from the roof ridge, set back from the flanks and set up from the eaves at an appropriate scale to the roof slope. The pitched design would not detract from the character of the dwelling matching the pitched roof of the approved two storey rear extension. It is therefore not considered that the proposed dormers are more harmful than the approved flat roof dormer.
      13. Four rooflights are proposed within the front roofslope. There would be an additional two rooflights compared to the previous proposal. The dormers would be slightly larger than approved; however, these are spread across the increased roof ridge widthways. While the additions would be visible they would not cause significant harm compared to those originally approved to result in refusal of permission.
      14. The proposed porch would extend in width up to the west flank of the dwelling, with a greater depth also. However, the porch would not extend beyond the existing porch roof and would retain a height of 3m that would be subordinate to the front elevation of the dwelling. It is therefore not considered that the porch would be excessively prominent within the street scene.
      15. The Juliet balconies proposed to the two storey rear extension would not be prominent within the street scene given their rear siting.
      16. All other aspects are as previously approved.
      17. On balance, it is not considered that the part single storey and part two storey side and rear extensions, single storey front extension including conversion of garage into habitable accommodation, loft conversion with hip to gable extensions, rear dormer, front rooflights and increase in ridge height and alterations to access would be out of character or unduly prominent in the street scene. Furthermore, the proposal would not adversely affect the character or appearance of the host dwelling or street scene and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
   2. *Impact on Neighbouring Amenity*

**7.2.1** Application 16/1870/FUL assessed the impact of the part single storey and part two storey side and rear extensions, single storey front extension including conversion of garage into habitable accommodation, loft conversion with rear dormer, front rooflights and increase in ridge height and alterations to access, and was considered acceptable in regard to the impact on neighbouring amenity for the following reasons:

* + 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 reflect the above guidance.*
    2. *The proposed garage conversion involves the replacement of the existing doors with a window which would be flush with the existing front wall. In addition, the roof form would be adapted from gabled to a hipped roof form. It is not considered that this would result in significant harm to no.42 given the overall bulk adjacent to the boundary would be reduced from the frontage. In addition the replacement window would be forward facing and therefore would not result in a loss of privacy. The infill porch would be screened by the existing dwelling therefore causing no adverse harm to this neighbour. In addition, there would be no significant harm to no.38 given a distance of approximately 6.1m would be retained to the common boundary.*
    3. *Permission is also sought for a two storey side extension adjacent to no.38. A distance of 1.2m would be retained to the common boundary which is sufficient to ensure that there would be no overbearing impact. The rear wall of the extension would be flush with the existing rear wall of the dwelling. Given no.38 projects slightly beyond the application dwelling, the two storey side extension would not be unduly obtrusive or overbearing. The plans do not indicate any flank windows at first floor level which would result in overlooking to this neighbour. A condition shall be attached to prevent the provision of any further windows to the flank elevation facing this neighbour.*
    4. *A first floor side extension would be located adjacent to no.42 Batchworth Lane. The first floor side extension would be located 1.5m from the common boundary with this neighbour, and given no.42 is also set in from the boundary, it is considered there would be sufficient spacing to prevent any significant harm to this neighbour. This neighbour does have a number of windows located in the ground and first floor flank wall facing towards this neighbour which would experience some impact as a result of the development. However, the spacing that would be retained at first floor level is sufficient to prevent any significant harm to justify refusal. Furthermore, as side facing windows, they are in effect borrowing light from the application site. The rear wall of the first floor side element would be flush with the existing rear wall of the dwelling. It is noted that the rear wall of no.42 also projects beyond the existing rear wall of no.42 which again prevents any significant adverse harm.*
    5. *To the rear, a single storey/two storey rear extension is proposed. Appendix 2 of the Development Management Policies LDD advises that generally single storey extensions to detached dwellings can have a maximum depth of 4m. In this case, the proposed single storey extension would have a depth of 4m and would therefore be in accordance with the guidance. It is noted that it would be constructed adjacent to the common boundary with no.42. Again given no.42 is set in from the boundary, with the ground floor living room bay window also set in from the boundary it is not considered that significant harm would occur to the ground floor habitable accommodation. The single storey extension would be set in from the boundary with no.38 by 1.2m and this distance is considered sufficient to minimise any adverse harm.*
    6. *With regard to two storey rear extensions, Appendix 2 of the Development Management Policies LDD states the following:*

*‘Rear extensions should not intrude into a 45 degree splay line drawn 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 the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the positions of windows and extensions on neighbouring properties.*

* + 1. *A block plan has been submitted to indicate the relationship of the application dwelling with the neighbours. It is not considered that the position of no.42 is indicated accurately. However, given the spacing between properties and that the bay window at first and ground floor levels are set in from the boundaries, it is not considered that significant demonstrable harm would occur. The two storey rear extension would be set in from the boundary by approximately 4.2m and has been designed to be subordinate to the main dwelling. The roof forms would be hipped and would be set down from the main ridge which minimises any significant harm. The block plan also indicates no intrusion of the 45 degree line from no.38’s first floor building line. Again, given that the two storey element would be set in from the boundary and the subordinate nature of the extension it is not considered significant demonstrable harm would occur. It is noted that Juliette balconies are indicated at first floor level. Whilst these have full height glazing, it is not considered that these would result in significantly increased harm relative to the existing situation and given that the glazing would be set in from the boundary.*
    2. *A loft conversion is also sought which would include an increase in ridge height of 0.5m and the provision of a rear dormer window. It is not considered that the increase of 0.5m would result in significant harm to neighbours, particularly given the removal of the crown roof form proposed at the time of the previous refusal. In addition, the hipped roof form helps to minimise the bulk and massing of the development when viewed from neighbouring dwellings. The rear dormer window would have outlook to the rear gardens of neighbouring dwellings. However, it is not considered that this would result in significant increased harm relative to the existing situation as a result of the first floor windows. The rooflights to the frontage would be set in from the flank boundaries of the site which would prevent significant harm. There would also be no impact to neighbours opposite the site due to the separation by the highway.*
    3. *The rear boundary of the site adjoins the flank boundary of no.27 Ardross Avenue. A distance exceeding 30m would be retained between the rear wall of the dwelling and the boundary which is sufficient to prevent any adverse harm.*
    4. In relation to this proposal, the hip to gable alteration would extend the roof ridge of the proposed dwelling closer to the flanks of No.s 42 and 38 Batchworth Lane at roof level. In relation to No.42, the proposed extension would retain a spacing of 1.5m at first floor level to the boundary with this neighbour and a spacing of approximately 5.4m would be retained from this dwelling. The height of the application dwelling following roof alterations would not be higher than this neighbour. In accordance with previous assessment it is not considered that there would be a loss of light to the windows of this neighbour and given the rear wall of the first floor side element would be flush with the existing rear wall of the dwelling and that the rear wall of no.42 also projects beyond the existing rear wall of no.40 it is not considered that there would be significant additional harm.
    5. No.38 Batchworth Lane is set off the flank boundary with the application dwelling by 0.8m. The first floor extension to the flank with gabled roof would be set off the shared boundary by 1.2m as previously approved and the proposed dwelling would be no higher than this neighbour. It is acknowledged that the built form closest to this neighbour would be brought closer. However, when assessing the street scene illustration, it is considered that the spacing from flank to flank of 2m would be considered acceptable in that there would be no overbearing impact. The rear wall of the proposed extension with gable roof would be flush with the existing rear wall of the main dwelling and given that no.38 projects slightly beyond the application dwelling, the two storey side extension would not be unduly obtrusive or overbearing.
    6. The proposed dormers would replace the previously approved flat roof dormer within the centre of the roof slope. It is acknowledged that the pitched dormers would extend closer to either flank of the roof due to the roof enlargement. However, the dormer closest to No.42 would be set off the shared boundary by 2.4m and the dormer closest to No.38 would be set off the shared boundary by 2.2m. Whilst it is acknowledged that dormers would be closer to both flank boundaries, the dormers would be directed towards the dwelling’s own amenity space and would not result in significant overlooking issues.
    7. The proposed rooflights would overlook the highway to the frontage as previously approved and would not cause additional harm to neighbouring amenity.
    8. The proposed porch would extend closer to the boundary with No.38 Batchworth Lane. While this is noted, a spacing of approximately 1.1m is retained to the flank with the porch not extending beyond the main dwelling. The extension would also retain a height of 3m as originally approved and no windows are proposed within the flank of this extension in relation to this neighbour. The porch would also not extend beyond the principal elevation. It is therefore not considered that the enlarged porch would cause demonstrable harm to neighbouring amenity.
    9. As a result, on balance and subject to conditions, the proposal complies with the *Design Criteria* as set out within Policy DM1 and Appendix 2 of the Development Management Policies LDD.

**7.3** *Landscaping Issues*

**7.3.1** Policy DM6 of the Development Management Policies LDD (adopted July 2013) sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

**7.3.2** It is noted in comments received that the proposed development would have an adverse impact on trees. While this is noted, there are no protected trees within the application site or upon the boundary close to the proposed development and therefore it is not considered significant trees or areas of landscaping would be adversely affected by the proposal.

* 1. *Parking*

**7.4.1** Application 16/1870/FUL assessed the impact of the part single storey and part two storey side and rear extensions, single storey front extension including conversion of garage into habitable accommodation, loft conversion with rear dormer, front rooflights and increase in ridge height and alterations to access, and was considered acceptable in regard to the parking for the following reasons:

**7.4.2** *The previous application was refused with one of the grounds being that the development would fail to provide sufficient off street car parking which would lead to obstruction to the adjacent highway. The applicant sought to address this by providing more handstanding on site, and indicated the provision of four off street car parking spaces.*

***7.4.3*** *Herts Highways were consulted and initially stated that the details submitted were unclear and raised concerns that vehicles would be unable to exit the site in a forward gear. Consequently, the Highways Officer suggested that the applicant should seek to provide a further access to make a carriage driveway, thus allowing vehicles to safely exit the site in a forward gear. Amended plans have been received which now indicate a carriage driveway. The Highways Officer has noted that this carriage driveway arrangement is similar to those in place at other properties and will assist the safe movement of vehicles to and from the site. Whilst off street car parking would be reduced due to the loss of the garage, the plans indicate that three vehicles can be accommodated within the curtilage which is now in accordance with Policy DM13 and Appendix 5 of the Development Management Policies. To ensure that sufficient off street car parking is provided, a condition shall be added requiring that the parking is provided prior to occupation.*

***7.4.4*** *Due to the increase in hardstanding, it is necessary to condition details of surface water drainage to be submitted prior to the commencement of development to ensure that there would be no obstruction to the adjoining highway. In addition, due to the location of the site, the Highways Officer considers it necessary that a construction management plan should be submitted prior to the commencement of development.*

**7.4.5** The Highways Authority do not wish to object to the proposal in line with previous comments and note that the applicant will need to enter into a vehicle crossover agreement with HCC as Highway Authority to ensure that the works are in accordance with guidance as recommended in *MfS, Roads in Hertfordshire*; A *Design Guide and Residential Dropped Kerbs: Terms and Conditions* and to cover the technical approval of the design, construction and implementation of the highway works within the existing public highway.

**7.4.6** Parking Standards state that a four or more bedroom dwelling should have a total of three parking spaces. The proposal could allow for a total of 7-8 bedrooms maximum. While this is noted, the proposed driveway would ensure three parking spaces would be available. It is therefore considered that there will be adequate parking space for present and future occupiers in accordance with adopted standards.

* 1. *Amenity Space*

**7.5.1**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 Appendix 2 of the Development Management Policies Document states that ‘amenity space must be provided within the curtilage of all new residential developments’, and advises that a seven-eight bedroom dwelling should have 210-231sqm.

* + 1. The application site would have a rear amenity space of approximately 272 square metres following the implementation of the proposed extensions. It is therefore considered that there will be adequate amenity space in accordance with Appendix 2.

**7.6** *Biodiversity Checklist*

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

**7.5.2** 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 site is not in or located adjacent to a designated wildlife site. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken and given the nature of the proposed development there would not be any adverse impacts on biodiversity.

* + 1. However, given that the works would affect the existing dwelling roofspace, an informative on any consent would advise the applicant of what to do should bats be discovered during the course of development.

**8. Recommendation**

**8.1** That PART RETROSPECTIVE PLANNING PERMISISON BE GRANTED and has effect from the date on which the development was carried out and is subject to the following conditions:

C1 The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: 17/157/PL03, 17/157/SO1, 17/157/SO2, 17/157/SO3, 17/157/PL01A, 17/157/PL02A and 17/157/PL03A.

Reason: For the avoidance of doubt and in the proper interests of planning and in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C2 Unless stated 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 that the external appearance of the building is satisfactory 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).

C3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension/development hereby approved.

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

C4 Prior to occupation of the development hereby permitted, the parking area/drive shall be constructed in accordance with drawing number 15/129/PL/01A (as previously agreed by the Local Planning Authority under Discharge of Condition Application 17/0227/DIS).

Reason: In the interests of highway safety to minimise danger, obstruction and inconvenience to highway users in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM8 of the Development Management Policies LDD (adopted July 2013).

C5 The parking and turning spaces shall be constructed in accordance with the approved plans prior to the first occupation of any part of the development hereby permitted. The parking and turning 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).

C6 The Construction Management Plan submitted and previously agreed by the Local Authority as part of Discharge of Condition Application 17/0227/DIS shall be adhered to throughout the construction phase

Reason: To minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

* 1. 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) - 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. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

I2 The 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.

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 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: 0845 6014523

Herts & Middlesex Bat Group: www.hmbg.org.uk

(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).

I5 Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration.

I6 The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspxor> by telephoning 0300 1234047.