**11. 16/2062/FUL – Erection of two storey detached dwelling and alterations to access and landscaping at Land Rear of 17 & 19 West Way, Rickmansworth, WD3 7EH for Mr & Mrs Heeks and Mr & Mrs O’Mahony**

◼

|  |  |
| --- | --- |
| Parish: None | Ward: Rickmansworth Town |
| Expiry Statutory Period: 29 November 2016 | Officer: Rob Morgan |
|  |  |
| Recommendation: That Planning Permission be granted | |
|  | |
| Reason for consideration by the Committee: Called-in by 3 Members and following receipt of a petition containing 49 signatures | |

1. **Relevant Planning History**

1.1 17 West Way

1.1.1 00/00115/FUL – Single storey side extension to garage. Permitted 24.03.2000.

1.1.2 96/0344 – Single storey conservatory to rear. Permitted 02.07.1996.

1.1.3 8/764/84 – Conservatory. Permitted 08.11.1984.

1.1.4 8/740/83 – Single storey side extension. Permitted 22.12.1983.

1.2 19 West Way

1.2.1 02/01341/FUL - Variation to planning permission reference 02/0229/FUL: Two storey side extension and enlargement to single storey side extension. Permitted 12.11.2002.

1.2.2 02/00229/FUL – Demolition of existing garage and erection of single and two storey side extensions. Permitted 19.04.2002.

1.3 Land Rear of 17 & 19 West Way

1.3.1 13/1871/PREAPP - Erection of 4 bedroom detached dwelling with access from Money Hill Road (to rear of 17 and 19 West Way). Closed 11.10.2013.

2. **Detailed Description of Application Site**

2.1 The application site includes land to the rear of nos. 17 and 19 West Way which currently forms part of the rear gardens of these properties. No. 17 West Way is located on the corner of West Way and Money Hill Road with no. 19 the adjacent property to the south-west. The application site would therefore be accessed from Money Hill Road.

2.2 The application site measures approximately 16m in width at its front reducing to 12.6m in width to the rear due to a splayed south-western flank boundary. The site has a depth of some 32m-33m.

2.3 West Way and Money Hill Road are residential streets predominantly characterised by detached two storey dwellings. While there is variation in the appearance of the dwellings they are traditional in their style and design. The dwellings are set at a relatively uniform distance back from the highway along both West Way and Money Hill Road. The application site is at the top of the hill of Money Hill Road with land levels falling away rather steeply to the south-east.

2.4 The immediate neighbour to the south-east, no. 27 Money Hill Road is a detached two storey dwelling which has been extended at two storey and single storey scale to its north-west flank bringing the two storey part of the dwelling approximately 2m from the shared boundary at its closest point at the rear. The orientation of no. 27 is such that the rear wall is angled towards the rear part of the application site.

3. **Detailed Description of Proposed Development**

3.1 This application seeks full planning permission for the erection of a two storey detached dwelling and alterations to access and landscaping.

3.2 The existing plots of nos. 17 and 19 West Way would be subdivided to create a new plot measuring 12.6m–16m in width and 32m–33m in depth. The proposed dwelling would be sited 9m back from Money Hill Road, not including front bay, a minimum of 1.8m from the south-east boundary and 2.2m from the north-west boundary at ground floor level with the first floor being 3.2m from the boundary.

3.3 The dwelling would front Money Hill Road and would have an L-shaped footprint measuring 10.3m along the north-west flank, 6m along the south-east flank and a maximum width of 11m. The dwelling would have a hipped roof measuring 7.7m in height and would include a two storey front bay projection, chimney to the north-west flank and an integral garage. The dwelling would contain four bedrooms.

3.4 A new access would be created from Money Hill Road which would lead to a front driveway. The rear garden would measure 14m in depth.

3.5 Amended plans have been submitted during the course of the application which has reduced the width of the dwelling by approximately 1.2m at ground floor and 2.1m at first floor and the maximum height of the dwelling by 0.5m

4. **Consultation**

4.1 Landscape Officer

4.1.1 Summary: No objection.

4.1.2 *‘From an arboricultural point of view, I hold no objections as there are no arboricultural constraints.’*

4.2 Highway Authority

4.2.1 Summary: No objection, subject to conditions.

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

*Conditions:*

*C1 The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements, dust control and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details shall be implemented throughout the construction programme.*

*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).*

*Description of the Proposal: The views of the County Highway Authority have been pursued regarding the above application (Ref: 16/2062/FUL). The proposal is for constructing a two story detached dwelling, creating new vehicular access from Money Hill Road and alterations to the landscaping. The development site sits at the rear garden of property 19 and 17 at West Way in Rickmansworth. Both West Way and Money Hill Road are unclassified roads and have the title of local access in the road hierarchy.*

*Comments: Access - Currently there is no vehicular access to the site. The submitted drawing (Ref: 2016/205/01) indicates that a new vehicular access is proposed from Money Hill Road. This access point is located approximately 45m away from the T-junction of West Way & Money Hill Road and would be acceptable in the highway context. However, there are on street public parking spaces along this section of Money Hill Road which would be reduced due to the proposed VXO. Therefore, the Local Planning Authority (LPA) would need to consider the loss of on street parking facilities.*

*There are two options recommended by Mr Graham Beviss (Principal Engineer - Development Management) for the proposed VXO. Option A would be acceptable in the highway context.*

*Option A: This arrangement identifies the proposed access close to the bend on Money Hill Road. The visibility splay identified (to the south) along the kerb line on Money Hill Road is suitable for an approach speed of approximately 15mph. The presence of the existing vehicular access arrangements to the south and the bend in the road are not expected to encourage on street parking on this southern side of the access. The introduction of a new vehicular access at this location is not expected to significantly increase on-street parking pressures on Money Hill Road.*

*Visibility: The inter vehicle to vehicle and pedestrian visibilities from the proposed access point are deemed adequate due to presence of existing 2m wide footpath.*

*Servicing the Development: The details submitted via drawing (Ref: 2016/205/01) do not show any location of waste bins storage or collection point. However, there is an existing means of waste collection along Money Hill Road which would be applicable to this development site.*

*Conclusion: The development proposal creates an additional detached dwelling which may generate little traffic. However, the County Highway Authority has considered that the intensification of use associated with this development proposal is unlikely to generate unreasonable impacts on safety and operation of adjoining highway networks.*

*It is not expected that the introduction of a new access onto Money Hill Road at the proposed location would be detrimental to the safe movement of traffic along the route and consequently the Highway Authority has no objection to the development proposal following the above mentioned conditions.’*

4.3 Thames Water

4.3.1 Summary: No objection.

4.3.2 *‘Waste: Surface water drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.*

*Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.*

*Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.*

*Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3m of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to* [*developer.services@thameswater.co.uk*](mailto:developer.services@thameswater.co.uk) *to determine if a building over / near to agreement is required.*

*Water: With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.’*

4.4 Affinity Water

4.4.1 No comments received.

4.5 National Grid

4.5.1 No comments received.

5. **Neighbour Consultation**

5.1 No. consulted: 6

No. responses: 10 + 1 petition with 49 signatures objecting to the proposal

5.2 Site Notice: Not required

Press Notice: Not required

5.3 Summary of responses:

Character

* Dwelling not in keeping with existing houses in the street and too large for the site.
* Remaining gardens serving nos. 17 and 19 West Way would be too small in comparison to neighbours and the general area.
* Would create a pocket of high density housing by utilising backland infill development that will erode the unique 1930s character of the area.
* Substantial new development is already being allowed in the area.
* Promotes small plot sizes compared to surrounding properties.
* Loss of trees.
* Siting and orientation would be out of keeping with the existing street scene.
* Design is big and bulky.
* Design does not take into account change in land levels.
* Large number of similar developments in the area.
* Dwelling would be at a different angle to all other properties.

Residential Amenity

* Property would overlook the private gardens of neighbours, exacerbated by angled rear building line.
* New house would be overlooked by nos. 17 and 19 West Way and no. 27 Money Hill Road.
* Loss of light.
* Amenity levels would be at the minimum or below adopted standards.
* Design does not take into account change in land levels.
* Overcrowding of the area is detrimental to all residents.
* Dwelling would be at a different angle to all other properties.

Highways

* Access would be in a dangerous position close to the junction of West Way and Money Hill Road. There have been previous ‘near misses’ and accidents caused by vehicles driving at speed from West Way.
* Would increase traffic congestion.
* Exacerbate parking problems.
* Insufficient parking and loss of parking on highway
* Road congestion during development.
* No provision for the required visibility splays.
* Money Hill Road is a narrow road with street parking further reducing road width and is used as a cut-through resulting in high traffic volume during rush hours. This results in difficulty for vehicular movement particularly refuse vehicles etc.
* Access would be located in a position where vehicles are unsighted from one another.
* Parking in West Way and Money Hill Road is already limited due to a Tube station, Money Hill shopping parade, two health centres and a veterinary practice in close proximity.

Other

* Loss of hedgerow would impact on the local wildlife.
* Would set a precedent for similar development in the area.
* Loss or impact to hedge during construction.
* Unacceptable ‘garden grabbing’.
* Covenants on the properties restrict the area covered by buildings exceeding one quarter of the total plot.

6. **Reason for Delay**

6.1 Not applicable.

7. **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

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

7.2 The Three Rivers Local Plan Core Strategy:

7.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: PSP1, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12.

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM4, DM6, DM8, DM10 and DM13 and Appendices 2 and 5.

7.4 The Site Allocations LDD:

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

7.5 Other

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

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

8. **Analysis**

8.1 Principle of Development

8.1.1 The proposed development would result in a net gain of one dwelling on the application site. The site is not identified as a housing site within the Site Allocations LDD (SALDD) (adopted November 2014) and would therefore be considered as a windfall site. As advised in the SALDD, where a site is not identified for development it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

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

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

8.1.3 The application site is within Rickmansworth which is identified as the Principal Town in the Core Strategy. The Spatial Strategy of the Core Strategy identifies that new development will take place on previously developed land and appropriate infilling opportunities within the Principal Town and Core Strategy Policy PSP1 advises that approximately 15% of the District's housing supply is expected to come from within the Principal Town.

8.1.4 Three Rivers does currently have a five year supply of identified land for housing and the proposed dwelling would not be on previously developed land. However, given the location of the site within the Principal Town and that the development would be within a residential area, there is no in principle objection to residential development of the application site subject to assessment against all other relevant policies and material planning considerations.

8.2 Impact on Character and Street Scene

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

8.2.2 In terms of new residential development, Policy DM1 of the Development Management Policies LDD (adopted July 2013) advises that the Council will protect the character and residential amenity of existing areas of housing from forms of ‘backland’, ‘infill’ or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

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

8.2.3 Policy DM1 and Appendix 2 of the Development Management Policies LDD also set out that new residential development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.

8.2.4 The proposed dwelling would have its own street frontage to Money Hill Road and would be sited with its flank elevation parallel to the new rear garden boundary with no. 17 West Way. The development would therefore not result in a tandem or ‘backland’ development.

8.2.5 The dwelling would be accessed from the existing highway and while the proposal would involve the creation of a new vehicular access from Money Hill Road, it would not require the construction of a new access road. The development would therefore not result in servicing by an awkward access drive.

8.2.6 The provision of one additional dwelling is not considered to result in a significant increase in traffic levels or demonstrable harm to neighbouring residential amenity; as discussed in full within the relevant sections below.

8.2.7 The proposed dwelling would front Money Hill Road and while it would be at a slightly splayed angle to the neighbour at no. 27 Money Hill Road it would be positioned on the bend of the road and would respect the established building line of Money Hill Road; the bay window being a similar distance back from the highway of approximately 7.5m to neighbours to the south-east. The L-shaped footprint of the dwelling would also result in the south-eastern aspect of the dwelling being set further back from the highway and behind the front building line of no. 27 Money Hill Road which would respect the changing orientation of the adjacent highway at this point.

8.2.8 The plot and rear garden of the proposed dwelling and resultant plot and rear gardens of nos. 17 and 19 West Way would be shorter in length than their immediate neighbours with plot depths of around 30m and rear gardens of around 14m-16m in length proposed. Properties in the area generally benefit from long plots with rear gardens measuring around 40m in length along this part of Money Hill Road and 30m in length along this part of West Way. However, there are examples of smaller plots evident in the vicinity. For example, no. 40 Money Hill Road directly opposite the site has a triangular plot with a rear garden measuring a maximum depth of approximately 24m and nos. 13 and 15 Money Hill Road to the south-east of around 20m. The Close, a residential cul-de-sac off Mount View also results in variation to the depths of the plots and rear gardens of the other properties along this section of Money Hill Road, Mount View and the dwellings within The Close itself. The plot sizes of properties fronting West Way also reduces from Field Way to Shepherds Way and plots on the north-west side of West Way are also generally shorter than those to the south-east. The proposed rear amenity spaces would also exceed the amenity space standards set out at Appendix 2 of the Development Management Policies LDD and the minimum length of 14m would be achieved. Consequently, it is not considered that the proposal would result in plots and rear gardens which would be so significantly shorter than those existing within the surrounding area to be considered out of character.

8.2.9 The frontage width of the proposed plot would be reflective of others in Money Hill Road and would not appear out of character or cause harm justifying refusal of permission.

8.2.10 The two storey part of the proposed dwelling would be sited a minimum of 3m from the new rear garden boundary of nos. 17 and 19 West Way and at least 1.8m from the splayed boundary with no. 27 Money Hill Road. This spacing would comply with the Design Criteria at Appendix 2 of the Development Management Policies LDD which requires a minimum flank to boundary separation distance of 1.2m at first floor level in order to maintain appropriate spacing and prevent a terracing effect. While a single storey element would project to the north-west, it is not considered that this would appear unduly prominent or reduce spacing to a significant degree. Therefore, appropriate spacing is considered to be maintained in keeping with the character of the area.

8.2.11 The dwelling would have a hipped roof form with gabled two storey bay projection to the front, chimney to the flank and canopy forward of the integral garage providing similar design to the traditional design of properties generally found within the area. The hipped roof form would also serve to reduce the bulk and massing of the dwelling adjacent to the flank boundaries and further increase the apparent separation between the proposed dwelling and existing adjacent properties.

8.2.12 The dwelling would have a maximum depth of 10m and width of 11m with a maximum height of 7.7m. The depth and width of the dwelling would be similar to the existing dwellings in the vicinity of the site, many of which have been previously extended. The proposed siting and footprint of the dwelling would result in the dwelling roughly aligning with the rear wall of no. 27 Money Hill Road, albeit at a different orientation due to the bend of the adjacent highway and the L-shaped footprint would serve to reduce the bulk, massing and prominence of the dwelling adjacent to no. 27. The indicative street scene drawing indicates the dwelling would have a lower ridge height compared to both nos. 27 Money Hill Road and 17 West Way and the development would not appear unduly prominent in relation to either neighbour or the wider street scene.

8.2.13 Full details of the proposed external materials of the dwelling have not been provided. Any permission granted would therefore be subject to a condition requiring submission of samples prior to the commencement of above ground building operations to ensure the external appearance of the building would be satisfactory within the context of the site.

8.2.14 Overall, the proposed development is not considered to result in significant harm to the character or appearance of the street scene or wider area. The development is not considered to be a form of residential development which would be inappropriate for the area when considered in the wider context and as a result of the scale, design and siting of the dwelling and the plot proposed. The development is therefore considered to be acceptable in accordance with Policies CP1, CP3 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.2.15 Notwithstanding the acceptability of the scheme, the proposed plot and resultant plots of nos. 17 and 19 West Way would be towards the smaller size of plots within the area. As such it is considered appropriate to attach a condition to any permission granted which would remove permitted development rights for extensions and outbuildings from all three properties.

8.3 Impact on Residential Amenity

8.3.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity.

8.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

8.3.3 No. 27 Money Hill Road is located adjacent to the south-east flank of the site at a lower land level and this dwelling is at a splayed angle thus facing towards the rear part of the application site. The proposed dwelling would be sited a minimum of 1.8m from the shared boundary with no. 27 and would not project beyond the rear wall of this neighbour. The dwelling would therefore not appear unduly prominent from the rear facing windows of no. 27 or result in a significant loss of light to the dwelling or rear amenity space. No. 27 Money Hill Road is also in a favourable position to the south of the application site which would further reduce the impact of the proposed dwelling to light gained by the neighbour.

8.3.4 The dwelling would be sited a minimum of 3m from the new rear boundaries of nos. 17 and 19 West Way at first floor level with the rear gardens of those dwellings measuring between 14m – 16m in length. The dwelling would be sited between the shared flank boundary of these neighbours and therefore each would retain outlook to the open front and rear amenity spaces of the proposed property thus reducing the dominance of the dwelling from the outlook of the neighbours. The hipped roof design, lower ridge height relative to the adjacent properties and lower land level of the application site compared to nos. 17 and 19 West Way would also serve to reduce the prominence and loss of light experienced by the existing neighbouring properties fronting West Way. Consequently, the development is not considered to result in a significant loss of light or appear unduly prominent to the residents of the existing dwellings at nos. 17 and 19 West Way.

8.3.5 There would be sufficient separation to existing neighbours to the front and rear of the site to ensure the dwelling would not result in demonstrable harm to amenities of occupiers through loss of light or appearing overbearing.

8.3.6 In relation to privacy, Appendix 2 of the Development Management Policies LDD comments that windows of habitable rooms at first floor level should not generally be located in flank elevations and flank windows serving other rooms should be non-opening below 1.7m from the internal floor level and obscure glazed. Furthermore, distances between buildings should be sufficient so as to prevent overlooking with an indicative figure of 28m quoted as being required between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved.

8.3.7 The ground floor windows would be sufficiently set in from adjacent boundaries to ensure that standard boundary treatments would provide adequate screening of neighbouring properties. The ground floor windows would therefore not result in a loss of privacy.

8.3.8 First floor windows are proposed within the front and rear elevations which would serve habitable rooms. It is accepted that by nature the proposed development would result in the addition of windows where none currently exist and oblique views of neighbouring residential gardens may be possible. However, the front and rear windows would be set in from the flank boundaries and any views would not result in a significant loss of privacy and would result in a relationship usually expected between dwellings within such a residential area.

8.3.9 The splay of the shared boundary with no. 27 Money Hill Road is acknowledged and the rear boundary of the site would back on to the rear boundary of no. 21 West Way. However, it is not considered that direct views into the rear garden of no. 27 Money Hill Road or to the private amenity space immediately to the rear of no. 21 West Way would be possible and, in any event, the rear garden of the proposed dwelling would measure 14m in depth which is the minimum required to provide appropriate privacy as set out at Appendix 2 of the Development Management Policies LDD.

8.3.10 The front windows of the proposed dwelling would have outlook onto the front driveway, highway and rear garden of no. 15 West Way and frontage of no. 40 Money Hill Road beyond. Given the significant separation distance it is not considered that harm would occur to the amenity of occupiers of these dwellings.

8.3.11 The dwelling would include first floor windows serving a landing and shower room within the flanks. Given the non-habitable use of the rooms these windows would serve and to protect the privacy of neighbours it is considered appropriate that these windows should be obscure glazed and top level opening only. A suitable condition would be attached to any permission granted.

8.3.12 The orientation of no. 27 Money Hill Road is such that the existing rear windows of this property would have outlook towards the rear garden of the proposed dwelling. However, outlook would be towards the rear aspect of the garden and the dwelling would be served by a private zone and no overlooking of habitable rooms would occur. The development is therefore considered to provide acceptable living standards for future occupiers.

8.3.13 Overall, the proposal is not considered to have a harmful impact upon the residential amenities of occupiers of neighbouring dwellings and the development would be acceptable in this regard in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.4 Amenity Space Provision

8.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies LDD sets out indicative amenity space standards and advises that a four bedroom dwelling should have 105sq.m amenity space with a further 21sq.m for each additional bedroom.

8.4.2 The amenity space provision to serve the new dwelling and resultant amenity spaces of nos. 17 and 19 West Way would range from 180sq.m – 244sq.m in area which would exceed the minimum requirement for dwellings of these sizes. Furthermore, the rear gardens would have a minimum length of 14m. The amenity space provision is therefore considered acceptable to serve the existing and proposed dwellings and, as discussed in detail above, would not result in significant harm to the character of the area.

8.5 Highways, Parking & Access

8.5.1 Policy CP10 of the Core Strategy sets out that development will need to demonstrate that is provides a safe and adequate means of access and requires development to make adequate provision for all users, including car parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians.

8.5.2 The proposed dwelling would be served by a new access onto Money Hill Road. The Highway Authority has raised no objection to the development stating that the intensification of use associated with the development would be unlikely to generate unreasonable impacts on safety and operation of adjoining highway networks and the introduction of a new access onto Money Hill Road at the proposed location would not be expected to be detrimental to the safe movement of traffic along the route. However, the Highway Authority recommends the addition of a condition requiring further details of construction management to protect highway safety during construction works.

8.5.3 Policy CP10 of the Core Strategy also requires development to make adequate provision for all users including car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies LDD set out parking standards and advise that a four bedroom dwelling should provide three parking spaces.

8.5.4 The development would not impact on the existing parking provision serving nos. 17 and 19 West Way.

8.5.5 The frontage of the dwelling would accommodate three parking spaces in addition to the integral garage. Ample parking would therefore be provided to serve the new dwelling.

8.5.6 However, the proposed access would result in the loss of part of the existing parking bay along Money Hill Road. The Highway Authority has advised that the introduction of a new vehicular access at the proposed location would not significantly increase on-street parking pressures on Money Hill Road.

8.5.7 Therefore, given that ample parking provision would be provided for the proposed dwelling, no loss of parking would occur to the existing dwellings fronting West Way and the Highway Authority does not consider the access would have a significant impact on on-street parking pressures no objection is raised with regard to parking provision or highway safety.

8.6 Landscaping & Trees

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

8.6.2 No trees within or around the application site are protected. The Landscape Officer has advised that there are no arboricultural constraints and raises no objection to the development.

8.6.3 The application has not been accompanied by a detailed hard and soft landscaping plan or details of proposed boundary treatments. While the residential nature of the surrounding area is noted and strict management of the proposed landscaping is not considered necessary, it is considered appropriate to require the submission of a hard and soft landscaping scheme and details of boundary treatments to ensure the site is completed to an acceptable standard and maintains the privacy of neighbouring and future occupiers. The hard surfacing material should also be permeable to avoid discharge of rainwater on to the surrounding highway.

8.7 Sustainability

8.7.1 Policy DM4 of the Development Management Policies LDD states that from 2016, applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the Government is yet to provide a definition for zero carbon and the Council is therefore continuing to apply the 2013 requirements, i.e. applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions over Building Regulations Part L (2013) requirements having regard to feasibility and viability.

8.7.2 The application is accompanied by an Energy Assessment which demonstrates an appropriate methodology to ensure that the development would make a minimum saving of 5% carbon dioxide emissions than Building Regulations Part L (2013). Conditions would therefore be attached to any permission granted requiring that the development be carried out in accordance with the Energy Assessment and full details of any renewable technologies be submitted prior to their incorporation into the scheme to ensure no additional harm would occur.

8.8 Affordable Housing & Infrastructure Contributions

8.8.1 The proposed development would result in a net gain of one residential unit. Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing. The Affordable Housing SPD was approved by the Council in June 2011 as a material consideration and supports the implementation of Policy CP4.

8.8.2 However, following an appeal decision overturning the previous High Court judgement giving legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 by Brandon Lewis; the NPPG has been updated at paragraph 31 to advise that contributions should not be sought from developments of 10-units or fewer with a maximum combined gross floor space of no more than 1,000sq.m. As a result, the Local Planning Authority will no longer be requiring contributions towards affordable housing for sites which are below these thresholds.

8.8.3 As such, the proposed development would not be required to make a financial affordable housing contribution.

8.8.4 Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. CIL is therefore applicable to this scheme. The Charging Schedule sets out that the application site is within ‘Area A’ within which the charge per sqm of residential development is £180.

8.9 Wildlife & Biodiversity

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

8.9.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. 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. No further surveys are therefore considered necessary in this instance.

8.10 Refuse & Recycling

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

8.10.2 The application site is within a residential area and the collection of refuse and recycling bins adjacent to the highway would therefore be considered acceptable. The Highway Authority has raised no objection to such an arrangement. The submitted plans indicate that the refuse and recycling bins would be stored within the garage. Ample parking provision is available to the frontage and this arrangement would also be acceptable.

9. **Recommendation**

9.1 That PLANNING PERMISSION BE GRANTEDsubject 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: 2016/205/SKB.

Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies PSP1, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy SA1 of the Site Allocations LDD (adopted November 2014).

C3 The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements, dust control and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details shall be implemented throughout the construction programme.

Reason: This is a pre commencement condition 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).

C4 Prior to the commencement of the development hereby permitted, plans showing the existing and proposed ground levels, the slab level of the proposed buildings(s) and slab level of the adjacent buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: This is a pre commencement condition to ensure that the proposed development is built to the heights relative to adjoining properties as shown on the approved drawings, or lower, in the interests of visual amenity and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C5 Before any building operations above ground level hereby permitted are commenced, samples and details 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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C6 Prior to first occupation of the dwelling hereby permitted a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C7 Prior to first occupation of the development hereby permitted plans indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to the first occupation and carried out in accordance with the approved details.

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

C8 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement submitted as part of the application are incorporated into the approved development. Full details of any renewable technologies required to be installed shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and works shall be carried out in accordance with the approved details.

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

C9 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class E - provision of any building or enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission or within the blue line of the application site as shown on Drawing No. 2016/205/SKB.

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

9.2 Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £97 per request (or £28 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. The Council's Building Control section can be contacted on telephone number 01923 727132 or at the website above for more information and application forms.

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

Where possible, energy saving and water harvesting measures should be incorporated. Information on this is also available from the Council's Building Control section. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

I2 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.

I3 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.

I4 Where works are required within the public highway to facilitate the new vehicle 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, bus stop signs or shelters, 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 Hertfordshire County Council Highways team to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.