

## PLANNING COMMITTEE – 23 JUNE 2022

### PART I - DELEGATED

**9. 22/0378/FUL – Demolition of existing dwelling and erection of a two storey detached dwelling with loft accommodation including rear dormer windows and front and flank rooflights at 79 WESTBURY ROAD, NORTHWOOD, HA6 3DA.**

Parish: –Batchworth Community Council  
Expiry of Statutory Period: 20 May 2022  
(Extension agreed to 30 June 2022)

Ward: Moor Park and Eastbury  
Case Officer: Katy Brackenboro

Recommendation: That subject to no new material considerations being raised, Planning Permission be Granted.

Reason for consideration by the Committee: Called into Planning Committee by Batchworth Community Council for the reasons set out in full at 4.1.1 below.

#### **1 Relevant Planning History**

- 1.1 W/2429/61 - Garage. Permitted. 23.01.1962.
- 1.2 W/744/63 - New garage, existing into dining room. Permitted. 08.05.1963.
- 1.3 8/682/87 - Lounge, dressing room, 2 bathrooms. Permitted 26.10.1987.Implemented.
- 1.4 96/0697 - Erection of conservatory to rear. Erection of conservatory to the rear. Permitted. 08.11.1996. Implemented.

#### **2 Description of Application Site**

- 2.1 The application site contains a detached two storey detached dwelling located on the northern side of Westbury Road, Northwood. Westbury Road is a residential road which is characterised by two storey detached dwellings with varying architectural designs and styles, many of which have been heavily extended, re-built or altered.
- 2.2 The host dwelling has a hipped roof form. It is finished in red brick at ground floor level and white render at first floor level. It has been previously been extended with a two storey side and rear extension to the western flank and a rear conservatory, front canopy and integral garage to the eastern flank.
- 2.3 To the frontage of the site, there is a carriage driveway with space for at least three cars and an area of soft landscaping in the centre.
- 2.4 The host dwelling is set in from the common boundary with No. 81 Westbury Road by 0.7m for a depth of 7m and then set up to the boundary and set up to the boundary with No. 77 Westbury Road.
- 2.5 The property to the west at No. 77 Westbury Road is a two storey detached property. It is set back and sited on a slightly lower land level compared to the host dwelling. It has undergone extensive alterations granted under planning reference number 17/2092/FUL including a single storey rear extension, two-storey front and rear extensions, alterations to roof including creation of a crown roof, insertion of rear dormer and rooflights and alterations to fenestration. The boundary with this neighbour is formed of approximately 1.5m high hedging and vegetation.
- 2.6 The property to the east at No. 81 Westbury Road is also a detached dwelling. It is set back and set on a slightly higher land level in relation to the host dwelling. It is noted that this is a recent two storey detached dwelling rebuild following planning permission granted under

15/1654/FUL. The shared boundary treatment is an approximately 2m high brick wall and mesh fencing.

- 2.7 The land at the rear is identified as being of archaeological interest (Sandy Lodge Golf Course).

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

- 3.1 This application seeks full planning permission in respect of the demolition of the existing dwelling and erection of a replacement two storey detached dwelling with loft accommodation including rear dormer windows and front and flank rooflights.
- 3.2 The proposed replacement dwelling would be two storey in height and would contain 5 bedrooms including accommodation within the roof served by rooflights and dormers to the rear.
- 3.3 The proposed replacement dwelling would have a width of approximately 12.5m and would be centrally located within its plot, set in from either flank boundary by 1.5m. The replacement dwelling would have a maximum depth of 17.5m at ground floor level and 16m at first floor level.
- 3.4 The front elevation of the dwelling would be staggered with a central two storey projection 4.8m wide and 1.5m deep, with a pitched roof set down 1.9m from the main roof. The dwelling would have a crown roof with a maximum height of 9.2m and an eaves height of 5.6m.
- 3.5 To the rear, two flat roofed dormers are proposed. They would have a width of 1.5m, depth of 1.9m and height of 1.3m. These would be set down from the main ridge by 1.2m and set in from the flanks of the replacement dwelling.
- 3.6 Glazing is proposed to all elevations of the replacement dwelling including bi-folding doors to the rear elevation at ground floor level. Rooflights are proposed to the front and flank elevations and a roof lantern is proposed to the flat roof section of the single storey rear element.
- 3.7 The replacement dwelling would be constructed of red brick to match the host dwelling with fenestration to match.
- 3.8 Amended plans were submitted during the course of the application to reduce the depth of the replacement dwelling at both ground and first floor level (reduced by 1.8m at ground floor and 1.6m at first floor). An amended site plan was also submitted during the course of the application to show the existing and proposed driveway and to clarify that the existing driveway would be replaced with permeable paving with soft landscaping to the centre of the driveway and landscaped borders. Furthermore, the proposed site plan was labelled to show that protective fencing would be used along with a material exclusion zone in order to protect trees to the rear of the application site with a photo of the protective heras fencing provided. An additional drawings detailing an illustrative existing and proposed streetscene was also provided

### **4 Consultation**

#### **4.1 Statutory Consultation**

##### **4.1.1 Batchworth Community Council: [Objection]**

This house is located adjacent to two houses that were developed in their entirety in 2019 and 2020. These changes the street scene and were seen by the local community as over development and has resulted in a significant increase of the hardstanding. The previous consents, should not be seen as setting a precedent.

Batchworth Community Council objects to this application for the following reasons:

1. The application is a complete over development of the site and extends beyond the adjoining houses which already have greater depth than the majority of properties in Westbury Road.
2. There is no tree survey or biodiversity report submitted with this application both of which should be provided before it can be considered.
3. No landscaping proposals have been submitted nor have the details of the proposals treatment of the front garden/drive and the rear patio area. Again, these should be provided before this application can be considered.
4. The first floor plan seems to indicate the inclusion of a balcony across two bedrooms. This does not seem to be included in the rear elevation drawing. In any event, we would object to the inclusion of a balcony which would impact on the privacy of the adjoining houses and their gardens.
5. The increase in the scale and size of the proposed house and the hard standing would have a further detrimental effect on the existing drainage in the Eastbury Area which already floods and has an increasing problem year on year.

We would ask that this application is called in for decision by the TRDC Planning Committee unless the planning officers are minded to refuse.

#### 4.1.2 National Grid: [Initial holding objection]

##### **Your planning application-Holding objection**

We have received notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application which is in the vicinity of our gas asset/s. We are placing a holding objection on the proposal whilst our engineering team review the available information. We will be in touch once we have reviewed the proposals in more detail. In the meantime, we may contact you for more information to help us make the decision.

##### **What you need to do**

Please review our attached plans, which detail the Cadent gas asset/s in the area. If your application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web app. For further details visit:

[www.hse.gov.uk/landusepkanning/planningadivce-web-app.htm](http://www.hse.gov.uk/landusepkanning/planningadivce-web-app.htm)

##### **Your responsibilities and obligations**

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels and storage of materials. It also prevents the erection of permanent, temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter is not constitute any formal agreement or consent of any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications

Cadent Gas Ltd or their agent, servants or contractors, do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims including tort (including negligence), misrepresentation (excluding fraudulent misrepresentation) breach of statutory duty or otherwise. This limit on liability

does not exclude or restrict liability where prohibited by law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact as [box.eaplantprotectionops@cadentgas.com](mailto:box.eaplantprotectionops@cadentgas.com)

#### 4.1.2.1 Further comments received

**Your planning application** – We do not object to the proposal in principle.

After receiving the details of your planning application, we have completed our assessment. We have **no objection** to your proposal from a planning in general area, but we do have high pressure assets in the vicinity.

#### **What you need to do**

**Please refer to the BPD noted below and refer to ssw22 for guidance for working near our HP pipeline.**

Please review our attached plans, which detail the Cadent gas asset/s in the area. If your application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. For further details, visit [www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm](http://www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm)

The HSE may wish to apply more stringent criteria for building proximity after assessment. Please ensure that you formally consult with them before you proceed.

In order to help prevent damage to our asset/s, please add the following **Informative Note** into the **Decision Notice**:

*Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on [www.linerearchbeforeudig.co.uk](http://www.linerearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.*

The original holding objection was triggered due to the presence of a High Pressure Major Accident Hazard Pipeline (MAHP) and/or an Intermediate Pressure Pipeline and/or an Above Ground Installation.

The minimum building proximity distance (BPD) for the pipelines and associated installations is as follows:

Specific MAHP BPD (15 METERS MIN)

Specific IP BPD (3 METERS MIN)

Specific AGI BPD (based upon the hazardous area zoning) 10 METERS MIN

The building proximity distance taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission and IGEM/TD/3 Edition 5 Steel and PE pipelines for gas distribution

#### **Your responsibilities and obligations**

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all

and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at [box.eaplantprotectionops@cadentgas.com](mailto:box.eaplantprotectionops@cadentgas.com) quoting your reference at the top of this letter.

#### 4.1.3 Landscape Officer: [Objection]

The proposed plan could affect trees. I would expect an Arboricultural Impact Assessment (AIA), Method Statement and Tree protection plan, following the BS5837, accompany an application such as this.

In light of the above, I would like to raise objections to the proposed plan. There are arboricultural concerns in regards to the negative impacts the proposal could have to trees.

## 4.2 **Public/Neighbour Consultation**

4.2.1 Number consulted: 4

4.2.2 No of responses received: 2 objections

4.2.3 Site Notice: Published 06.04.2022 and expired 29.04.2022

Press notice: Published 08.04.2022 and expired 01.05.2022

4.2.4 Summary of Responses:

- Adverse effect on listed building
- Adverse effect on trees
- Adversely affects Conservation Area
- Overdevelopment
- Overshadowing
- Project further to the rear at ground and first floor levels
- Overlooking/loss of privacy
- Balcony proposed
- Overall design not in keeping with the character of the area.

Officer note: The application site is not a listed building or within a Conservation Area. Furthermore, a balcony is not proposed, it is a rooflight serving the single storey ground floor element.

A 14 day re-consultation took place on 31/05/2022 following receipt of amended plans. This expires on 17/06/2022. Any comments received as part of the re-consultation will be verbally updated.

## 5 **Reason for Delay**

5.1 Committee Cycle.

## 6 **Relevant Planning Policy, Guidance and Legislation**

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 20 July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication

of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework.

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

## 6.2 The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP3, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM8, DM13 and Appendices 2 and 5.

## 6.3 Other

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

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

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

# 7 **Planning Analysis**

## 7.1 Principle of Development

7.1.1 The application dwelling is not located within a Conservation Area and is not statutorily listed. As such, there is no objection raised to the principle of demolition of the existing dwelling and construction of a replacement dwelling.

## 7.2 Impact on Character and Street Scene

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

- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area. To avoid a terracing effect and maintain an appropriate spacing between properties in character with the locality, development at first floor level should be set in from flank boundaries by a minimum of 1.2 metres. This distance may be increased in low density areas or where the development would have an adverse impact on an adjoining property. In relation to roofs, the Design Criteria set out that crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing and as such they are generally discouraged and more traditional pitched roofs are generally favoured. With regard to dormer windows, the Design Criteria at Appendix 2 states that dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall.
- 7.2.3 The application is accompanied by an indicative existing and proposed streetscene demonstrating the differences between the existing and proposed front elevation. The replacement dwelling would consist of a detached dwelling with a building line generally reflective of the existing building line other than the front projection. Overall the replacement dwelling would not project significantly further forward than the principal elevations of No.77 and No 81 Westbury Road. The proposed dwelling would have a significantly greater footprint compared with the existing dwelling. However, the dwelling would be located centrally within the plot width and be set in 1.5m from the flank boundaries, in accordance with the Design Guidelines.
- 7.2.4 It is noted that the proposed dwelling would be of a different appearance compared with the existing and would include deep flank elevations of which oblique views would be visible from Westbury Road. However, it is noted that the proposal would be of a similar depth to neighbouring properties at Nos. 77, 81 and 83 Westbury Road which have each undergone redevelopment. As a result it is not considered that the proposal would result in any demonstrable harm to the character of the streetscene.
- 7.2.5 Further, the dwelling would be located within a large site and the application site would retain a large rear garden of approximately 525sqm. Therefore, the new dwelling would not appear disproportionate within the application site or result in overdevelopment of the plot. Moreover, the proposed dwelling would be set back from the front site boundary by a front garden, it would maintain the spacing between the proposed dwelling and the highway which reflects the distance maintained by other neighbouring dwellings of a similar scale. The replacement dwelling would also be set further from the side boundaries than the existing, opening up spacing at ground floor level. Therefore the proposed dwelling would not appear excessively prominent within the streetscene, nor would it appear out of character within Westbury Road.
- 7.2.6 The proposed dwelling would include a flat crown roof section. Although Appendix 2 discourages crown roofs, it is noted there are other examples of crown roofs within the vicinity of the application site, including both adjacent neighbours at No 79 and 81, and at No. 83. The footprint of the dwelling would not be excessive or out of character in comparison to other developments in the area and as a consequence it is not considered that the inclusion of a crown roof section would appear out of character or prominent in the streetscene so as to cause demonstrable harm to the character and appearance of the area justifying refusal of planning permission.
- 7.2.7 The existing dwelling has a hipped roof with a single ridge running parallel to the frontage. The current proposal includes an overall increase in height by approximately 0.3m in comparison to the existing dwelling. However it is not considered that it would appear out of keeping in relation to neighbouring properties or result in harm to the character and appearance of the streetscene.
- 7.2.8 The design of the dwelling with a front two storey gable projection would reflect the design principles of the existing and adjacent detached dwellings. The rear dormers proposed to

the rear roofslope would not be readily visible from the street scene and would be set down from the ridge, set in from the sides of the roof and set back from the rear wall and such they would be of a minimal scale and would appear subordinate to the rear roofslope.

- 7.2.9 The rooflights to the front and flank roofslopes would be visible from the street scene. However, it is noted that there are rooflights to other dwellings on Westbury Road and the scale and number of rooflights proposed would not adversely affect the character or appearance of the host dwelling or appear unduly prominent in the street scene.
- 7.2.10 The development proposed would alter the appearance of the dwelling and would increase its bulk and massing. However, it is noted that the street scene of Westbury Road is varied and many properties have implemented extensions and alterations. As a consequence, while the development would alter the appearance of the host dwelling, the proposed development would not result in the application dwelling appearing unduly prominent or out of keeping to the detriment of the street scene or character of the area.
- 7.2.11 The proposal would result in replacement hardstanding to the frontage of the application site with soft landscape to the centre of the frontage and landscaped border. The extent of hardstanding would be comparable to that existing, although planting would be introduced to the flanks. The drawings confirm the hardstanding would be permeable. As such, it is not considered that this element would result in any harm to the character of the streetscene.
- 7.2.12 It is acknowledged that concerns were raised by the Community Council in regard to overdevelopment of the site and that the proposed development would project deeper than adjoining properties. Additionally, concerns were raised by neighbours regarding the erosion of the front building line, the proposed depth extending beyond the rear of the adjacent neighbours and the overall design of the proposed replacement dwelling.
- 7.2.13 Whilst the concerns are noted, as set out above, it is not considered that the proposal results in overdevelopment of the site and the design is considered in keeping.
- 7.2.14 Additionally, the Community Council raises concern regarding the hard standing which they consider would have a further detrimental effect on the existing drainage in the Eastbury Area. It is noted that agent has confirmed that a new driveway would be required, covering the same area as the existing and that this would be a permeable surface to allow for adequate drainage. Additional planting is also proposed to the flanks. As such, it is not considered that the proposal would have a detrimental impact on the existing drainage within Eastbury Road. It should be noted that the site is within Flood Risk Zone 1 and is not at high risk of surface water flooding.
- 7.2.15 The proposal would result in a new patio to the rear of the replacement dwelling. However, it would be sited to the rear as such it would not be readily visible from the street scene and would not result in any harm. The Community Council raise concern that no landscaping proposals have been submitted nor have the details of the proposals treatment of the front garden/drive. However, as mentioned above, amended plans of the front driveway have been submitted and include hardstanding and soft landscaping.
- 7.2.16 The existing extensions result in a sizeable property. It is considered that there would be still scope to extend the house further under permitted development which could further add considerable built form to the house, considering the potential to extend up to 8m in depth and the ability to erect two storey extensions (up to 3m in depth). It is therefore considered reasonable to apply a degree of control over future extensions to ensure future additions require express planning permission and so to ensure consideration is given to the potential impacts on neighbouring occupiers and the character of the area.. For that reason it is necessary to remove Class A permitted development rights and this would meet the six tests as set out in the NPPF.



7.2.17 As such, subject to a condition regarding the use of appropriate materials and external finishes, the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

### 7.3 Impact on amenity of neighbours

7.3.1 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'.

7.3.2 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.

7.3.3 The Design Criteria at Appendix 2 of the Development Management Policies LDD also states that two storey development at the rear of properties should not intrude on 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. It is noted that this policy relates to two storey rear extensions whereas the current application proposes a demolition and rebuild. However, it is a good indication in principal of the assessment of harm. This document also advises that in the interests of privacy and to prevent overlooking, windows of habitable rooms at first floor level and above should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7m from internal floor level and obscure glazed.

7.3.4 The new dwelling would increase the built form adjacent to the neighbour at No. 77. This neighbour is set back and sited on a slightly lower land level compared to the host dwelling. This neighbour is additionally set in from the boundary and enclosed by approximately 1.5m high hedging. The proposed new dwelling would extend deeper than this neighbour, projecting 1.5m beyond its rear elevation at the closest point at two storey in height, and a further 2.2m at ground floor level, albeit another 2.2m away from the boundary. This neighbour is set in from the common boundary by 1.5m and the proposed dwelling would be set in from the boundary with this neighbour by 1.5m at both ground and first floor level. Submitted plans also indicate that the new dwelling would not intrude the 45 degree splay line at first floor level, given the amended set in from the common boundary. Given the separation distance between the proposed dwelling and this neighbour, it is not considered that the new dwelling would cause a loss of light or result in an overbearing development as experienced by this neighbour.

7.3.5 The built form will also increase adjacent to No.81. This neighbour is set back and set on a slightly higher land level in relation to the host dwelling. It is noted that this neighbour is a recent two storey detached dwelling rebuild following planning permission granted under 15/1654/FUL and the shared boundary treatment is an approximately 2m high brick wall and mesh fencing. The submitted plans show that the proposed new dwelling would not project deeper than this neighbour at two storey level but the single storey rear projection would extend approximately 1.5m beyond the rear of this neighbour. The replacement dwelling is set in from the common boundary by 1.5m at both ground and first floor level. The new dwelling would not intrude a 45 degree splay line at first floor level. Given the separation distance between the proposed dwelling and this neighbour, it is not considered that the new dwelling would cause a loss of light or result in an overbearing development as experienced by this neighbour.

7.3.6 The rear dormers would be set in from either side of the roof. Given their limited scale, it is not considered that the rear dormers would result in an unacceptable loss of light or overbearing impact to either neighbour. Within regards to overlooking from the windows inserted within the dormers, given the existing presence of fenestration at first floor level, it

is not considered that additional overlooking would result from the proposed development above that of the existing situation.

- 7.3.7 The Parish Council has noted that a balcony is proposed to the rear elevation. This is in fact a roof lantern which serves the single storey rear element of the new dwelling and would not result in any harm to any neighbouring properties.
- 7.3.8 Concerns were raised by neighbours regarding loss of privacy and overlooking. The glazing proposed in the front elevation of the dwelling would look onto the application site frontage and there is a considerable separation distance provided by the highway to neighbours on the south-eastern side of Westbury Road. It is therefore not considered that the glazing would result in unacceptable overlooking to neighbours opposite.
- 7.3.9 Whilst there would be an increased amount of glazing within the rear elevation of the proposed replacement dwelling, this would be facing onto the rear amenity space of the replacement dwelling and there are no direct neighbours to the rear of the site to impact. There is not considered to be any increased loss of privacy. The windows proposed at first floor level in the rear elevation would be set in from the flank boundaries which would further reduce the perception of overlooking to neighbouring gardens of No.77 and 83 Westbury Road.
- 7.3.10 In the flank elevations of the replacement dwelling facing No.79 and No.81 Westbury Road, there would be glazing at ground and first floor levels. To ensure that the first floor flank windows would not facilitate overlooking a condition would be added to any grant of planning permission ensure that these windows are fitted with purpose made obscured glazing and is top opening only at a height of 1.7 metres above first floor level.
- 7.3.11 The proposed rooflights to the front and flanks elevations would not result in any harm. It is noted any grant of planning consent would attach a condition to ensure that they have a cil height of 1.7m above internal floor level to prevent overlooking.
- 7.3.12 Although increasing the bulk of the dwelling compared with the existing, the proposed dwelling is not considered to result in any adverse impact upon neighbouring properties and is acceptable, subject to conditions, in accordance with Policy C12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

#### 7.4 Amenity Space Provision for future occupants

- 7.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision. The proposed development would result in a 5 (with a games room in the loft that could be used as a bedroom) bedroom dwelling and a private amenity space measuring approximately 525sqm. The indicative measurement for a 6 bedroom dwelling is 147sqm and therefore rear private amenity space is considered sufficient in size to adequately serve current and future occupiers of the dwelling following the proposed development.

#### 7.5 Wildlife and Biodiversity

- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy

(adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

- 7.5.3 It is noted that the Parish Council raised concern that a biodiversity report has not been submitted. However, 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 and 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. The proposal would involve total demolition of the existing dwelling and an informative shall be added advising the applicant what to do should bats be discovered during the course of development.

## 7.6 Archaeology

- 7.6.1 To the rear of the application site is a known archaeological site which contains the remains of a Roman Villa. Policy DM3 states that there is a presumption against any harm to Scheduled Monuments and heritage assets with archaeological interest that are demonstrably of equivalent Scheduled Monuments. However, it is considered that in this instance the proposal is unlikely to have an impact on significant archaeological deposits, structures or features.

## 7.7 Trees and Landscaping

- 7.7.1 Policy DM6 of the Development Management Policies 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.
- 7.7.2 No trees are proposed to be removed. Similarly, the application site contains no TPO trees, nor is it in a Conservation Area. The Landscape Officer was consulted during the course of the application and stated that the proposed plan could affect trees and raised an objection in the absence of any tree information. Whilst their concerns are noted, given that there are no trees in close proximity of the dwelling that might be impacted by the proposal, and no protected trees nearby, it would not be appropriate to refuse planning permission on this basis. In order to protect trees at the rear of the site from damage during construction, it is proposed to install protective fencing across the garden and this has been indicated on the amended site plan and will be subject of a planning condition.

## 7.8 Highways, Access and Parking

- 7.8.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 7.8.2 The existing dwelling has 4 bedrooms. The proposed dwelling would result in 5 bedrooms with a games room at loft level which could be used as a bedroom. The indicative level for 6 bedrooms is 3 assigned spaces. It is noted that the existing driveway will be replaced and that the amended site plan shows that the proposed driveway would have provision for at least 3 vehicles. Therefore, the parking arrangements on site would be sufficient for the dwelling and proposed development compliant with the above criteria.

## 7.9 Sustainability

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

- 7.9.2 Policy DM4 of the DMLDD requires applicants to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply. The policy states that from 2016, applicants will be required to demonstrate that new residential development will be zero carbon. However, the Government has announced that it is not pursuing zero carbon and the standard remains that development should produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
- 7.9.3 The application was accompanied by an Energy Statement carried out by John Young of Richmond Thermal Solutions. The Energy Statement identifies that the proposed total primary energy amounts to 22689.23 kWh/year and the proposed overall carbon dioxide emissions are 4870.9 kg/year. As a result, the proposed reduction in carbon emissions is 8.48%. Given the 8.48% proposed saving of CO<sub>2</sub>, which exceeds the policy requirement, no objections are raised.

## **8 Recommendation**

- 8.1 That subject to no new material considerations being raised, PLANNING PERMISSION BE GRANTED subject to the following conditions
- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: P101, P201C, P202, P203, P204 D, P205 D and P206 C.
- Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM8, DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013).
- C3 The tree protection measures as shown on Drawing No. P201 Rev C, including heras fencing, shall be installed in full accordance with the details on that Drawing before any equipment, machinery or materials are brought on to the site for the purposes of implementing the development hereby approved, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.
- Reason: To ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).
- C4 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).

- C5 Prior to the first occupation of the development hereby permitted, a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the planting size, species and location of all new soft landscaping to the front of the dwelling.

All soft landscaping works required by the approved scheme, shall be carried out before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any existing tree shown to be retained, or the proposed soft landscaping, are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e. November to March inclusive).

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area, in the interests of the visual amenity of the area 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).

- C6 Prior to the first occupation of the development hereby permitted the proposed new driveway shall be laid out, in accordance with the approved Site Plan, drawing No. P201 C and shall be constructed of a permeable materials as shown on that plan and shall be maintained as such thereafter.

Reason: To prevent the discharge of water onto the highway and ensure that acceptable drainage measures are undertaken on site in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C7 Before the first occupation of the new dwelling hereby permitted, the windows located at first floor level within the flank elevations; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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

- C8 The rooflights hereby permitted within both flank roofslopes shall be positioned at a minimum internal cill height of 1.7m above the internal floor level of the room in which they are installed.

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

- C9 The development shall not be occupied until the construction, energy saving and renewable energy measures detailed within the Energy Statement carried out by John Young of Richmond Thermal Solutions submitted as part of the application are incorporated into the approved development.

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

C10 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties, in the interests of the visual amenities of the site and to prevent an unacceptable impact on the amenities of the occupants of neighbouring properties, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

## 8.2 **Informatives:**

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

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

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

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) 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.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at [www.nationalgrid.com](http://www.nationalgrid.com) or by contacting National Grid on 0800688588.
- 15 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](http://www.hmbg.org.uk)

or an appropriately qualified and experienced ecologist.

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