

PLANNING COMMITTEE – 24 MARCH 2022

PART I - DELEGATED

6. **21/2337/FUL: Part single-storey, part two-storey rear extensions including loft conversion and insertion of rooflights at loft level, alterations to front and flank fenestration including insertion of front dormer window and provision of raised patio AT 3 HEATHSIDE CLOSE, MOOR PARK, HERTS, HA6 2EQ (DCES)**

Parish: Batchworth

Ward: Moor Park and Eastbury

Expiry of Statutory Period: 6 December 2021

Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: This application has been called in by Batchworth Community Council for the reasons set out in full at Paragraph 4.1.1 below.

1 Relevant Planning History

- 1.1 8/631/81: Existing garage into playroom, new garage, kitchen, dayroom. Application permitted.

2 Description of Application Site

- 2.1 The application site consists of a two storey detached dwelling located to the south of Heathside Close, a cul de sac accessed via Heathside Road, Moor Park. The site is located within the Moor Park Conservation Area; with the Appraisal stating the following with regard to its special character:

The Conservation Area has a character and appearance deriving from low density "Metroland" development planned on a comprehensive scale in the 1930s. The characteristic building form within the conservation area is of detached two – storey houses with pitched roof.

- 2.2 The existing dwelling is a white rendered dwelling with catslide roof forms to the front elevation. In addition, there is a two storey hipped roofed projection located centrally which appears subordinate to the main ridge of the dwelling. Recessed back in relation to the catslide front projections is a porch with mono pitched roof form. The existing dwelling is viewed to make a positive contribution to the character and appearance of the Moor Park Conservation Area, although it is acknowledged that its condition has deteriorated.

- 2.3 There is a gradient within the streetscene, resulting in the host dwelling being set a higher land level relative to no.2a to the west; with this neighbour also sitting further back on its plot relative to the application dwelling. Located forward of the dwelling is an area of hardstanding with provision for three off street car parking spaces.

- 2.3.1 To the rear, the existing dwelling has a hipped roof form with an existing two storey hipped roofed projection located centrally. It is noted that the dwelling has been previously extended with a single storey rear extension with high crown roof form which detracts from the properties original character. This is located adjacent to the boundary with no.4. There is an existing raised patio located directly to the rear of the dwelling with the remaining garden area consisting of lawn.

3 Description of Proposed Development

- 3.1 The applicant is seeking full planning permission for part single-storey, part two-storey rear extensions including loft conversion and insertion of rear rooflight at loft level, alterations to

front and flank fenestration including insertion of front dormer window, and addition of a raised patio.

- 3.2 The existing ground floor garage projection with catslide roof form adjacent to no.2a would be removed as part of the development, with the existing first floor altered to a fully hipped roof form and the existing first floor eaves continued to the flank.
- 3.2.1 To the other side of the dwelling adjacent to no.4, the applicant is proposing to remove the existing ground floor pitched roofed to facilitate provision of a front dormer window within the existing catslide. This would have a pitched roof form, with a width of approximately 1.8m, a height of 2.1m and a depth of 1.4m. A new window would be installed at ground floor level.
- 3.3 To the rear, part single, part two storey rear extensions are proposed. The proposed extension adjacent to no.2a would have a depth of 5m at ground floor level and a maximum depth of 4.4m at first floor level. The first floor would have a catslide roof form with a first floor dormer window with pitched roof form. To the other side of the dwelling adjacent to no.4, the depth of the existing ground floor extension would be retained at a depth of approximately 5.9m. At first floor level, a rear extension is proposed which would have a maximum depth of 5.3m. This would have a catslide roof form with a pitched roofed dormer window at first floor level. The catslide roof forms to both rear extensions would be extended over the additional ground floor depth.
- 3.4 Loft level accommodation would be created which would be served by a single rear facing rooflight and two rooflights in the inner flank roofslopes of the extensions.
- 3.5 To the rear of the extensions, a patio area is proposed. This would have a depth of approximately 5m from the original recessed projection to the steps which would be sited centrally.
- 3.6 Amended plans have been received during the course of the application with the amendments as follows:
- Front dormer window reduced in width from a three casement window to a double casement window. Roof form amended from flat to pitched roofed;
 - General fenestration pattern to front elevation retained;
 - Two storey rear extension adjacent to no.2 amended in depth from 5.9m to 5m at ground floor level and from 5.5m to 4.4m (to the rear face of the first floor dormer window) at first floor level;
 - Design of the extensions altered from two storey projections with dormer windows at second floor level, to catslide roof forms with dormer windows at first floor level;
 - Siting of rear rooflight amended;
 - Patio now indicated on the proposed plans.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

Batchworth Community Council acknowledge that some of the planned changes provide an improvement on the existing building and its appearance in the conservation area. However, we have the following objections and comments and feel that improvements are required before any consent can be given.

1. The proposed amendments significantly change the appearance of a pre-1958 property in the conservation area and adaptations are therefore required.

2. We would like the planners to ensure these changes and any future amendments do not exceed the 15% limit of site coverage and do not encroach on the privacy of the adjoining owners.
3. BCC concurs with the comments of MP58 in respect of the rear Velux windows.
4. We note that comments in the heritage statement are inconsistent with other information and plans supplied.
5. Finally, we note that the pre application letter from the council has largely been ignored, particularly with reference to the front facade.

BCC wish to call in this application unless officers are minded to refuse.

4.1.2 Moor Park 1958: [Objection]

The application proposal, by reason of

- the range of extensions and alterations to the front elevation (including a new flat roofed front dormer and numerous other alterations to the fenestration) that adversely impact on the character and appearance of this largely unaltered pre-58 dwelling that makes a positive contribution to the Conservation Area (note – that, in our opinion, take little or no regard to the Council's substantive pre-application letter)
- the excessive depth of both rearward projecting extensions at first floor level that result in excessively deep floor plans (almost doubling the depth at first floor level) and consequently block oblique views between the dwellings and generally reducing the sense of spacing and openness,
- the over-dominant, bulky and oversized dormers that are cramped and out of scale with the rearward facing hips in which they are placed and
- the disproportionately large, incongruous and over-dominant velux window in the rear elevation,

would result in an unacceptable and materially harmful form of development that would have a negative and adverse impact, both on the scale, appearance and attractiveness of the pre58 host property, and furthermore that fail to preserve or enhance the character and appearance of the wider Moor Park Conservation Area.

In light of the above, the scheme fails to accord with the provisions of the approved MPPCA as set out in paragraphs 2.7, 3.1, 3.4, 3.7 and 3.10 of that document.

On the above basis, Moor Park (1958) Ltd wishes to express its formal objections and concerns.

Finally, given the fact that the scheme seeks to achieve a total floorspace at almost exactly the 15% maximum set out in para 3.4 of the approved MPPCA, a limitation that has served to achieve the appropriate level of development on individual plots, and an inherent characteristic that defines the character and appearance of the Moor Park Conservation Area in terms of the openness, we would ask that the Council checks all the relevant measurements and in the event of any approval, ensures the removal of all future residential permitted development rights.

4.1.3 Herts Ecology: [No objection]

Officer note: A Bat Report was submitted with the application along with an accompany advice note from Herts Ecology which states the following:

Following the initial daytime survey (Preliminary Roots Assessment) in May when the house was assessed to have low potential for roosting bats, one follow-on evening survey (emergence survey) was recommended to determine presence/absence and provide appropriate mitigation if required. This is normal best practice for buildings with low roosting potential.

That evening survey was undertaken on 12 August 2021 which is during the optimum season for this type of survey. Low numbers of bats were recorded flying (foraging/commuting) across the site, but no bats were recorded emerging from the house. As roosting is not confirmed, no further surveys or mitigation licence is required for this proposal ((as described previously and with the amended project title too).

I consider that the LPA has sufficient information on bats to satisfy the third test of the Habitats and Species Regulations 2017 (as amended) and for the determination of an application. Satisfying this test is something all LPAs have to do if bats are present or could potentially be present and affected by the development proposal.

As bats are known to be in the area. I would advise that the recommendations in the second report (31 August 2021) are followed and this can be secured through a precautionary approach planning informative on any permission granted. These recommendations basically advise what to do in the unlikely event that bats are discovered during the works (bats are known to move to new roosts sites from year to year so they may suddenly appear) and to use wildlife friendly external lighting if relevant.

I consider the reports are acceptable and provide all information I and the LPA need. If/when the LPA consults us directly, I will repeat my advice above to them.

4.1.4 Conservation Officer [Initial objections, subsequently withdrawn following amendments]

The dwelling, in its existing form and appearance, makes a positive contribution to the significance of the conservation area by virtue of its derivation, form, appearance. The property appears to be largely unaltered and a good example of the area's original development.

There would be no in principle objection to sympathetic extensions and alterations. However, the proposal would not be supported in its current iteration.

It is understood that the garage with catslide roof is a more modern addition, and therefore its loss is not considered to be detrimental. It is positive that the proposal retains the one catslide. However, the rear extensions are excessive in their scale and appear to more than double the footprint of the house and further undermine the original plan form of the property. The scale of the extensions should be significantly reduced to a more subservient scale. They also result in quite a symmetrical appearance to the rear which would be contrary to the Arts and Crafts context of the property.

The front and rear dormers are large and bulky. The roof light appears large. The hipped roofs at single storey to the rear appear unnecessary. Any original windows should be repaired where possible and any proposed replacement should be fully justified

Officer comment: Following this amended drawings were received and the Conservation Officer now notes:

This application is for a part single-storey, part two-storey rear extensions including loft conversion and insertion of rear dormers at loft level, alterations to front and flank fenestration including insertion of front dormer window.

The property is located in Moor Park, the property is a pre-1958 dwelling and makes a positive contribution to the significance of the Conservation Area.

Initially, concerns were raised regarding the overly dominant scale of the extensions which more than doubled the footprint of the host. Concerns were also raised regarding the appearance of the extensions and alterations which diluted the character of the host;

Including, the repositioning of the fenestration; the large, flat roof dormers; size of the rooflight; hipped elements above the rear bi-folds and crown roof at ground floor.

Amendments have been made to the scheme which largely address previous concerns. The scale of the rear extensions has been reduced; the dormers reduced and have a hipped roof form, relating to the form of the host; and the fenestration to the front is to be retained as existing. However, there are still some concerns regarding the rearrangement of the fenestration to the rear. It appears that the windows within the central element would shift slightly to the left; this would be unnecessary and would further detach the property from its original appearance. Additionally, the left rear extension has an overhang feature above the ground floor which appears at odds. This may be an error in the drawings; however, further clarification would be required regarding this detailing. Were the above concerns addressed and the amendments deemed acceptable, there is potential for an acceptable scheme.

Officer comment: The issues raised by the Conservation Officer have been addressed and the Conservation Officer has confirmed they raise no objection, however a condition regarding a method statement for demolition is viewed to be necessary. In addition, conditions regarding external materials and landscaping are suggested. The requirement for these conditions are addressed in the analysis below.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7 No of responses received: 1 objection

4.2.2 Site Notice: Expiry 05.11.2021 Press notice: Expiry 12.11.2021

4.2.3 Summary of Responses: The proposed development would block light and will overlook our property, which is adjacent to 3 Heathside Close. As the properties are south facing and their rears fall along the same building line, the proposed first floor extension would directly block light into our bedrooms, would place our conservatory in shadow, and would overlook much of our garden, interfering with its privacy.

5 Reason for Delay

5.1 Negotiation regarding the design of the proposed extensions.

6 Relevant Planning Policy, Guidance and Legislation

6.1 National Planning Policy Framework and National Planning Practice Guidance

On 24 July 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 2018 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 Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM4, DM6, DM13 and Appendices 2 and 5.

6.3 Other

Moor Park Conservation Area Appraisal (2006).

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

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

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

7 Planning Analysis

7.1 Impact on Character, Street Scene and Conservation Area

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'. Appendix 2 of the Development Management Policies LDD provides further guidance on residential extensions and advises that they should not be unduly prominent within the streetscene
- 7.1.2 The application site is also located in the Moor Park Conservation Area and thus Policy DM3 of the Development Management Policies LDD relating to Heritage Assets is also relevant. This advises that development should only be permitted where the development would preserve or enhance the character and appearance of the Conservation Area. In addition, the Moor Park Conservation Area Appraisal provides specific guidance in order to preserve the special character of the Conservation Area.
- 7.1.3 As noted, the existing dwelling in its existing form and appearance, makes a positive contribution to the significance of the Conservation Area by virtue of its derivation, form and appearance. The Conservation Officer notes that it appears to be largely unaltered and is viewed to be a good example of the area's original development. Whilst the dwelling is largely unaltered, it is noted that the existing catslide roof form over the garage projection

(including the chimney) adjacent to no.2A is not an original feature of the dwelling and is a later addition. To the rear there is an existing single storey rear extension with flat roof form adjacent to the boundary with no.4; which is viewed to be an unsympathetic addition to the existing dwelling.

- 7.1.4 Policy DM3 of the Development Management Policies LDD advises that development involving demotion or substantial demolition will only be given permission if it can be demonstrated that the structure makes no material contribution to the special character. In this case, the applicant is not proposing full demolition with the submitted floor plans indicating a significant number of the existing external walls to be retained. Likewise a number of existing characterful features to the front elevation and the existing rear projection would also be retained, thus retaining the character of the host dwelling. The Conservation Officer has suggested a pre-commencement condition regarding the submission of a demolition method statement. Given the sensitive location of the area, this is considered to be necessary.
- 7.1.5 The proposed development includes a limited number of alterations to the front elevation. It is proposed to remove the existing garage projection and catslide roof form adjacent to no.2a Heathside Close, replacing this element with a true first floor element with hipped roof form. The Conservation Officer has raised no objection to this aspect of the development, noting that it is understood that the garage with catslide roof is a more modern addition, and therefore its loss is not considered to be detrimental. Furthermore, it is positive that the proposal retains the other existing and original catslide roof adjacent to no.4. The existing fenestration arrangement to the front elevation would be largely unaltered thus ensuring that the asymmetrical appearance evident in the arts and crafts architectural style is retained.
- 7.1.6 A front dormer window is also proposed in the front elevation in the original catslide roof form adjacent to no.4. Appendix 2 of the Development Management Policies LDD states that dormer windows should be subordinate to the main roof form and should be set down from the ridge, in from both sides and back from the plane of the wall. In addition, it advises that dormer windows may not always be appropriate within the streetscene. The Moor Park Conservation Area Appraisal advises that front dormer windows will only be acceptable where they are a common/predominant feature of the streetscene. In this case, no objection is raised to the principle of a front dormer window given its siting at first floor level and that there are other dormer windows within the wider vicinity such that it would not appear uncharacteristic. However, the Conservation Officer had raised concerns in relation to the dormer window in its original form with flat roof form and the provision of a three casement window. In response, the form has been amended to include a pitched roof form and the width has been reduced with a double casement window now proposed. This has reduced the prominence of the addition with the pitched roofed element ensuring this appears more sympathetic.
- 7.1.7 Extensions are also sought to the rear of the host dwelling. The Conservation Officer raised significant objections to the original plans, considering the extensions to be excessive in scale and undermining the original plan form of the property. In addition, the Conservation Officer raised concern that the rear extensions by reason of the design and the depths would result in a symmetrical appearance to the rear which would be contrary to the Arts and Crafts context of the property. As such, the extensions would have subsumed the original form of the host dwelling and would have failed to preserve or enhance the character and appearance of the host dwelling and the wider Conservation Area
- 7.1.8 In response to the concerns raised, the applicant has reduced the depth of the two storey rear extension adjacent to no.2a from 5.9m to 5m at ground floor level and from 5.5m to 4.4m (to the rear face of the first floor dormer window) at first floor level. This has resulted in a change in design, with this element altering from a hipped roofed projection with dormer windows at second floor level to a catslide roof form with dormer window at first floor level. Whilst the depth at first floor level has not been reduced adjacent to no.4, the design has

again been altered to a catslide roof form with dormer window at first floor level. The changes have served to reduce the overall mass and bulk of the extensions, particularly given the visibility of the flank elevation adjacent to no.2a. Whilst the design of the two projections would be similar to the rear, their differing depths result in a more asymmetrical appearance which is more sympathetic to the Arts and Crafts style of the dwelling. The proposed first floor dormer windows are considered appropriate in form and size and would not dominate the appearance of the rear elevation. The existing projection and its fenestration detail would be retained as would the chimney. A rear rooflight is also proposed, but given its siting would not be detrimental to the appearance of the Conservation Area. Whilst flank rooflights are proposed, these are inward facing and therefore are not visible from the frontage or the wider Conservation Area. As such, these would be considered to be acceptable additions. A rear patio is also proposed, however, given its siting to the rear and the retention of a large amount of soft landscaping beyond, it is not viewed that this would be harmful to the character and appearance of the Conservation Area.

7.1.9 The Moor Park Conservation Area Appraisal also sets out further guidance in order to preserve the special character of the Conservation Area. It sets out that 'buildings, including all out buildings (garages, car ports etc.), should not cover more than 15% of the plot area. The building cover includes any areas at first floor level which over hang the ground floor or any built areas at basement level where these extend beyond the ground floor'. In this case, the development would result in a plot coverage of 14.7% and therefore this would be in accordance with this guidance. The comments from MP 1958 regarding removal of permitted development rights are noted, however, given the extensions which would be undertaken, it is not considered that it would be reasonable to remove Classes A and B as further extensions would require planning permission. However, given the proposed plot coverage, a condition will be added removing permitted development in relation to Class E (outbuildings). In addition, the Appraisal advises that in order to maintain the character of the area, a minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevations, subject to a distance of not less than 1.5m being kept clear between flank walls and plot boundaries. In this case, the development would not result in any projection towards the flank boundaries with the dwelling as indicated having a 70% plot frontage width.

7.1.10 The amended development in its current form is viewed to retain the characterful appearance of the original host dwelling, with the amended design acting to minimise the bulk and massing of the proposal when viewed from Heathside Close. The Conservation Officer has suggested a number of pre-commencement conditions including the submission of a method statement regarding any demolition works and the submission of materials and details of rainwater goods details. Subject to these conditions, the development is viewed as acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the provisions of the Moor Park Conservation Area Appraisal (2006).

7.2 Impact on amenity of neighbours

7.2.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies LDD advises that development should not result in overlooking or a loss of light to neighbours.

7.2.2 The existing garage projection adjacent to no.2a would be removed, thus reducing the built form projecting forward of this neighbour. The existing catside would also be removed with a hipped first floor element created. Given this would be set in from the boundary, it is not considered that any adverse harm would occur. To the other side of the dwelling, a first floor front dormer would be added. This would have outlook to the front of the host dwelling and the front of the neighbouring dwellings. These areas are publically visible anyway and thus would not result in any adverse harm through overlooking.

- 7.2.3 To the rear, part single, part two storey rear extensions are proposed. Appendix 2 of the Development Management Policies LDD states the following with regard to two storey developments:

Rear extensions should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.

- 7.2.4 The proposed two storey rear extension would result in no intrusion of the 45 degree line from no.2a given this neighbour is set further back than the host dwelling and angled away from the application dwelling. It is acknowledged that this neighbour is set at a lower land level relative to the application site, however, given that the extensions would be set in from the boundary and the overall bulk and massing have been minimised through the amended catslide roof form, it is not considered that significant adverse harm would occur and no objection is raised in this regard. It is noted that the adjacent neighbour, no.4 has objected to the development due to concern regarding loss of light to the bedroom and existing rear conservatory and overlooking. The submitted block plan indicates that there would be no intrusion of the 45 degree line from this neighbouring property, with the first floor addition set on a similar building line to the ground floor extension. Furthermore the bulk of the extension has been reduced at first floor level through the addition of the catslide roof form which means that the extension would be less intrusive from the perspective of this neighbour. The neighbour has also raised concerns with regard to overlooking. Whilst this concern is acknowledged, the first floor rear facing windows would generally have outlook down the rear garden rather than to the neighbouring private amenity space. Furthermore, it is not considered that there would be any increased harm relative to the existing first floor fenestration detail.
- 7.2.5 Two additional windows are proposed in the first floor flank elevation facing no.4, however, these would both serve bathrooms and thus can be conditioned to be obscure glazed and top vent opening only. Likewise, a further first floor flank window would be installed facing no.2a; this would again serve a bathroom and can therefore be conditioned to be obscure glazed and top vent opening only.
- 7.2.6 Due to the land levels, a raised patio is proposed and steps would be provided down from the central rear patio area down to the lower garden. The plans indicate that the patio area would not project beyond the rear of no.2A and given this neighbour is angled away, no adverse harm in terms of overlooking would occur. The depth adjacent to no.4 would also be limited and it is not viewed that this would result in harm in terms of overlooking.
- 7.2.7 There are no residential neighbours directly to the rear of the site which would be adversely affected by the proposed development.
- 7.2.8 In summary, subject to conditions, the proposed development is considered acceptable and in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Amenity Space Provision for future occupants

- 7.3.1 The block plan indicates the retention of a large amenity space which would be in compliance with the guidance set out in Appendix 5 and therefore sufficient for present and future occupiers of the application site.

7.4 Wildlife and Biodiversity

- 7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further

emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

- 7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.4.3 The application has been submitted with a Bat Survey Report which has been viewed by Herts Ecology. The Preliminary Roost Assessment found the dwelling to have low potential for roosting bats, but one follow-on evening survey (emergence survey) was recommended to determine their presence/absence and provide appropriate mitigation if required in accordance with best practice. This evening survey has been undertaken and low numbers of bats were recorded flying across the site, however, no bats were recorded emerging from the house. Given that roosting has not been confirmed, Herts Ecology advise that no further surveys are required and no objection is raised in this regard. An informative shall be added to any planning permission reminding the applicant of what to do should bats be found during the course of the development.

7.5 Trees and Landscaping

- 7.5.1 Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 7.5.2 Whilst there are trees located on the boundary with no.4, given that there is an existing ground floor extension, it is not considered that the proposed first floor extension would result in any increased impact. There are other trees located on the site, however, these are located further back within the rear garden and would be unlikely to be affected. A pre-commencement condition requiring a tree protection scheme to be submitted is considered to be necessary in this instance. Whilst the Conservation Officer has suggested a pre-commencement condition relating to the submission of a landscaping scheme, it is not considered that this would be reasonable, given the proposed development is for householder extensions, and a large extent of soft landscaping would be retained to the rear.

7.6 Highways, Access and Parking

- 7.6.1 Policy CP10 of the Core Strategy advises that development should provide a safe and adequate means of access. In this case, the existing vehicular access would remain unaltered and as such, no objection is raised.
- 7.6.2 With regard to car parking, Policy DM13 of the Development Management Policies LDD sets out the car parking requirements and states that three off street car parking spaces should be provided for a dwelling with four bedrooms or more. In this case, the driveway can accommodate three spaces which is viewed as sufficient for a dwelling of this size and as such no objection is raised.

8 **Recommendation**

- 8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

5750-EL003 N, 5750-PL002 P, 5750-S1001 J

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

- C3 No development or other operation shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. This Construction Method Statement shall include details of how the development, , can take place whilst retaining existing walls shown on approved plans The development shall only be implemented in accordance with the approved Construction Method Statement.

Reason: To ensure that the original pre-1958 dwelling is retained in accordance with the Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006)

- C4 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials (including details of rainwater goods) 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 extension being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained 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: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction 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).

- C6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations or roof slopes of the extension/development hereby approved.
- Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C7 Before the first occupation of the building/extension hereby permitted the new bathroom window(s) in 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 window(s) 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 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 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.
- C9 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 Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:
- All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.
- There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.
- Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works

start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

- I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant 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
- I3 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.
- I4 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

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

or an appropriately qualified and experienced ecologist.

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