

PLANNING COMMITTEE – 24 MARCH 2022

PART I - DELGATED

8. **21/2628/FUL: Demolition of the existing garage and conservatory, erection of two storey front extension and front porch, part single, part two storey side and rear extensions, loft conversion including increase in ridge height served by front, side and rear rooflights and alterations to fenestration at 14 WESTBURY ROAD, NORTHWOOD, HERTS, HA6 3BT (DCES)**

Parish: Batchworth Community Council
Expiry of Statutory Period: 13 January 2022

Ward: Moor Park and Eastbury
Case Officer: Claire Wilson

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Batchworth Community Council has called in the application if officers are minded to approve the application for the following reasons:

1. The applicant has not taken into account any of the points raised in the previously withdrawn application from earlier this year.
2. It would further seem that the revised plans with this application enlarge the development even further than the previously withdrawn application.
3. The part of Eastbury is susceptible to considerable flooding and a development of this size and scale would only extenuate the problem. No development on this site should be allowed without a detailed drainage plan being provided and approved by TRDC before any works commence.

1 Relevant Planning History

- 1.1 07/2039/FUL: Demolition of existing dwelling and erection of two storey detached dwelling with room in roof and two rooflights and one circular window to front elevation, two rooflights to both side elevations and two dormer windows to rear elevation. Application withdrawn.
- 1.2 08/0433/FUL: Demolition of existing dwelling and erection of two storey detached dwelling with further accommodation in roof space and rooflights. Application withdrawn.
- 1.3 09/0012/FUL: Two storey and first floor rear extension, first floor side extension, single storey side extension with a pitched roof, two storey front extension with dormer window and loft conversion including raise in ridge height with rooflights. Application permitted. Permission not implemented.
- 1.4 21/0294/FUL: Demolition of the existing garage and conservatory; erection of a new porch; two-storey side and rear extensions including roof extension; loft conversion including rear dormer and front rooflights; and alterations to fenestration. Application withdrawn.

2 Description of Application Site

- 2.1 The application site contains a two storey detached dwelling located on the southern side of Westbury Road, on the corner with The Fairway. Westbury Road and the surrounding residential roads are characterised by detached dwellings of varied architectural design set on large plots with spacing between dwellings; many of the dwellings within Westbury Road have been extended.
- 2.2 The existing dwelling has an existing hipped roofed front projection adjacent to no.12 with a sloping catslide roof form, there is an existing eyebrow window feature at first floor level in the front elevation. Attached to the side of the existing dwelling (adjacent to The Fairway) is a flat roofed single storey garage. To the front of the dwelling is an area of hardstanding

with provision for off street car parking spaces with the remaining frontage consisting of soft landscaping.

- 2.3 To the rear, a small rear conservatory projects beyond the main two storey rear wall and the single storey garage projects beyond the rear of this. The rear amenity area includes a paved patio area with the rest of the rear garden laid to lawn. The neighbouring dwelling, no.12, has been extended at single storey to the rear and there is an existing flat roofed single storey side/rear extension located immediately on the boundary with the host dwelling

3 Description of Proposed Development

- 3.1 The applicant is seeking permission for the demolition of the existing garage and conservatory, erection of two storey front extension and front porch, part single, part two storey side and rear extensions, loft conversion including increase in ridge height served by front, side and rear rooflights and alterations to fenestration
- 3.2 The proposed two storey front extension would have a depth of 1m from the forward most projection of the existing dwelling and a maximum width of approximately 5.7m. It would be gabled with a large feature window at first floor level. To the front of the extension, a porch is proposed which would have a depth of 0.5m and a width of 3.1m. This element would be rendered white and would have a flat roof form with a height of 2.8m.
- 3.3 The two storey side extension would extend the dwelling to the west towards the highway. The extension would have a width of approximately 3.4m from the flank wall of the existing dwelling. A minimum distance of 1.2m would be retained to the flank boundary, widening to 1.6m due to the splayed nature of the boundary. The flank wall of the extension (inclusive of its projection to the rear) would have a depth of 11.2m.
- 3.4 To the rear, a part single storey, part two storey rear extension is proposed. The single storey element would have a maximum depth of 6.7m extending across the width of the dwelling. The single storey elements would have a flat roof form with a height of 3m. The two storey element would have a stepped depth, with a minimum depth of 3m, projecting to a maximum depth centrally of 5.5m. A new roof form is proposed over the existing and extended dwelling which would also accommodate a loft conversion. This would result in an increase in ridge height of 0.4m to a maximum height of 8.2m, with a crown roof form proposed, measuring approximately 3.6m in depth and 5.6m in width. Rooflights would be located in the flank, front and rear roofslopes. The deepest element of the two storey rear extension would have a separate and subordinate hipped roof form.
- 3.5 To the front, the applicant is proposing to increase the hardstanding such that it would extend for the majority of the width of the plot. The applicant has specified that the paving would be permeable and would be grey in colour and the plans indicate the existing hedge will be maintained.
- 3.6 Amended plans have been received during the course of the application which have reduced the total depth of the central two storey rear extension to 5.5m. In addition, the rear Juliet Balcony has been reduced in width such that it would not extend for the width of this projection. The height of the front porch has also been reduced. An additional plan has also been received which clarifies the alterations to the driveway and a planting schedule for the frontage has also been provided.
- 3.7 It is noted that application 21/0294/FUL has been previously withdrawn and was therefore never determined. This was a materially different design and included the provision of two storey front and rear gabled projections.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Object]

Batchworth Community Council objects to this application on the following basis:

1. The applicant has not taken into account any of the points raised in the previously withdrawn application from earlier this year.
2. It would further seem that the revised plans with this application enlarges the development even further than the previously withdrawn application.
3. The part of Eastbury is susceptible to considerable flooding and a development of this size and scale would only extenuate the problem. No development on this site should be allowed without a detailed drainage plan being provided and approved by TRDC before any works commence.

Batchworth Community Council requests that this application is called in for decision by the District Council Planning Committee unless the Planning Officers are minded to refuse

4.1.2 Landscape Officer: [No objection]

There are no trees adjacent to the construction itself as nearby vegetation consists of smaller ornamental shrubs and plants. There is a tree in the adjacent garden, but it will be protected by the fence between the two properties from construction traffic and is far enough away that the Root Protection Area (RPA) should not be impacted by the proposed work. No trees should be impacted by the proposed construction.

4.1.3 National Grid: [No objection]

After receiving the details of your planning application, we have completed our assessment. We have no objection to your proposal from a planning perspective.

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

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:

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
- Specific IP BPD 3 METERS
- Specific AGI BPD (based upon the hazardous area zoning) 10 METERS

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

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 / quoting your reference at the top of this letter.

4.1.4 Herts Ecology: [Initial objections withdrawn]

Hertfordshire Environmental Records Centre has no habitat or species data specific to this site. The site is located near to Sandy Lodge Golf Course Local Wildlife Site important for its semi-improved acid grassland and in a suburban area characterised by large gardens with plentiful trees. This provides potential habitat for bats. The roof of the existing building, which will need to be removed to facilitate the proposed development, is of a character that would provide potential roosting opportunities for bats.

Given the location and the apparent characteristics of the building, on this occasion I consider there is sufficient likelihood of bats being present and affected for the LPA to require a formal survey prior to determination. This should be a Preliminary Roost Assessment (PRA) by an appropriately qualified and experienced ecologist to evaluate whether bats, or evidence of them, are present and will be affected by the proposals. Such inspection should follow established best practice as described in the Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016 and be used to inform an Outline Mitigation and Compensation Strategy. As bats are classified as European Protected Species (EPS) sufficient information is required to be submitted to the LPA prior to determination - to enable it to consider the impact of the proposal on bats and discharges its legal obligations under the Conservation of Habitats and Species Regulations 2017

Officer response. Following Herts Ecology's initial objections, a Preliminary Bat Roost Assessment was provided. Herts Ecology were consulted and the following comments received:

Thank you for making me aware of the Bat Survey report for this application – Preliminary Bat Roost Assessment, January 2022 prepared by Chase Ecology. A daytime inspection on 28 January found no bats or evidence of bats; however, the building has potential bat roosting features within the roof and eaves areas. Consequently, the building was assessed to have low potential to support roosting bats. Following Bat Conservation Trust best practice guidelines, one follow-on nocturnal bat activity survey is recommended to further inform any use of the building by bats, and to provide appropriate mitigation to safeguard them if present and affected by the proposal.

As bats are classified as European Protected Species (EPS), sufficient information is required to be submitted to the Local Planning Authority prior to determination, so it can consider the impact of the proposals on bats and discharge its legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended).

Bat activity surveys can only be carried out in the summer months when bats are active, usually between May and August, or September if the weather remains warm. Until the activity survey is undertaken, the LPA may not have enough information regarding mitigation to safeguard any extant bats.

No mitigation has been provided in the bat report. As we are within the unfavourable time of year to undertake bat activity surveys, to address this now, a brief Outline Mitigation and

Compensation Strategy with appropriate recommendations should be provided to the LPA to ensure any extant bats are safeguarded from harm. This strategy need only be short and should assume the presence of a bat roost proportionate to the location. It can be modified if necessary once the results of the follow-on survey is known. In this situation only (i.e. once a submitted outline mitigation & compensation strategy has been approved prior to determination), can I advise the outstanding survey is secured by Condition.

To conclude

Currently there is insufficient information on bats to determine this application. Once the requested information (an Outline Mitigation and Compensation Strategy) has been provided, I can advise the LPA as necessary.

Officer response: The applicant has now provided a Bat Mitigation Method Statement and the following comments have been received:

I consider there is now sufficient information on bats for the LPA to satisfy the Habitats and Species Regulations 2017 and for determination.

The outstanding surveys are still required and should be secured by condition:

“Prior to demolition, two dusk emergence / dawn re-entry surveys shall be undertaken between May and August inclusive to determine with confidence whether bats are roosting and, should this be the case, the mitigation measures (ref: Bat Mitigation Method Statement, March 2022 prepared by Chase Ecology) shall be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation.”

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6

4.2.2 No of responses received: No objections.

4.2.3 Site Notice: Not required Press notice: Not required

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 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 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, 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, 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 Impact on Character and Street Scene

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'. Policy DM1 and Appendix 2 of the Development Management Policies LDD relates to residential extensions and sets out that they should not appear unduly prominent within the streetscene.

7.1.2 The host dwelling occupies a corner plot and is therefore located in a prominent location, being visible from both Westbury Road and The Fairway. Appendix 2 of the Development Management Policies LDD advises that applications for front extensions should be assessed on a case by case basis but should not be excessively prominent in the streetscene. In this case, the proposal would introduce a two storey gabled element with a glazed feature window at first floor level and a single storey flat roofed porch. With regard to the siting, it is acknowledged that the extensions would sit forward of no.12, however, the

extensions would be set in from the boundary and would not extend for the full width of the front elevation, thus minimising their prominence. Furthermore, the dwellings located to the west of the site sit forward of the host dwelling, and thus the building line in this location is not wholly linear. In terms of the design, it is acknowledged that the front extensions would alter the appearance of the host dwelling, however, due to the wide range of architectural styles within the wider streetscene, it is not considered that significant harm would occur to justify refusal. In order to reduce the prominence of the first floor window, the soldier course to the porch has been removed, therefore creating a greater separation between the porch and eil height of the window which is viewed favourably. With regard to the external finish, the plans indicate that the porch would be white rendered, and thus would be of contrasting appearance to the brickwork of the existing and extended host dwelling. Whilst the addition of white render would be noticeable, the porch itself is of modest size and projection and thus the introduction of render would not be harmful. Furthermore, there is a mix of materials including render within the locality and therefore this addition would not appear incongruous.

- 7.1.3 The proposed development includes large extensions to the dwelling including a two storey side extension, extending the dwelling towards the boundary with The Fairway. Appendix 2 of the Development Management Policies LDD provides guidance in respect of two storey side extensions, stating that the first floor element should be set in from the boundary by 1.2m to prevent a terracing effect although this distance should be increased in lower density areas in order to retain spacing between dwellings. Given the site occupies a corner plot location, a terracing effect would not occur, however, it is still viewed that some spacing should be provided around the dwelling to minimise the impact on the streetscene. The plans indicate that the two storey side extension would be set in from the boundary by 1.2m, increasing to a distance of 1.6m to the rear, thus ensuring that spacing still exists around the dwelling. It is acknowledged that the proposed flank wall of the extended dwelling would project forward of the building line of the dwellings fronting The Fairway, however, the existing dwelling already projects forward of this dwelling and given the separation distances between the properties, it is not considered that significant harm would occur. The roof form to the flank elevation would be hipped which would minimise the overall bulk and massing of the development when viewed from public vantage points.
- 7.1.4 To the rear, single and two storey rear extensions are proposed. Appendix 2 of the Development Management Policies LDD advises that extensions should not be disproportionate to the host dwelling. In this case, the proposed single storey rear extension would have an overall depth of approximately 6.7m with the first floor extensions having a stepped depth ranging from 3m to a maximum of 5.5m. It is acknowledged that the proposed development would significantly extend the dwelling and some concern was raised in relation to the central two storey element and its proposed depth of 6.7m. Due to the corner plot location the depth would be readily visible and furthermore its prominence was exacerbated due to the full width Juliet Balcony feature. In response, the applicant has reduced the depth of the first floor element and has removed the full width Juliet balcony replacing with a two casement Juliet Balcony with windows to either side. On balance, given the reduced depth of the extension, its subordinate nature and the revised fenestration detail, it is not considered that significant harm would occur to the character of Westbury Road to justify refusal and thus no objection is raised.
- 7.1.5 It is also noted that alterations are proposed to the roof form to provide for a loft conversion including an increase in ridge height and the provision of a crown roof form. The plans indicate an increase in ridge height of approximately 0.4m from an existing height of 7.8m to a maximum height of 8.2m. It is not considered that the increase in ridge height would increase the prominence of the dwelling to a significant degree, particularly as the ridge heights on this section of Westbury Road are stepped anyway. Appendix 2 of the Development Management Policies LDD states the following with regard to crown roof forms:

Crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured.

- 7.1.6 In this case, the crown roof form is not considered excessive in terms of scale with a depth of 3.6m and a width of 5.6m. Furthermore, there are other large crown roof forms present within the wider vicinity, such that this would not be an incongruous addition and no objection is raised. It is noted that rooflights are proposed to the front, side and rear roofslopes. Whilst these would add some clutter to the roofslope, rooflights are already visible within Westbury Road such that they would not appear out of character.
- 7.1.7 The applicant is also proposing to increase the area of hardstanding, thus resulting in a loss of soft landscaping to the frontage. The loss of soft landscaping would be regrettable, however, the presence of large driveways within Westbury Road is not uncommon. The plans specify that an existing hedge between no.12 and 14 would be retained with planting also shown to the front boundary and side boundary with The Fairway, which would soften the visual impact of the proposal. A planting schedule has also been provided. The applicant is proposing grey block paving which is considered appropriate and furthermore, this would be permeable paving ensuring water is able to drain into the ground. A condition shall be added requiring the development to be undertaken in accordance with the approved details.
- 7.1.8 In summary, subject to conditions, the development is considered to be 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.
- 7.2 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 development includes a two storey front extension which would sit forward of no.12 Westbury Road. However, it would be set in from the boundary with this neighbour by approximately 5.4m and as such, it is unlikely that this would appear as unduly prominent, particularly as this would have a maximum depth of 1m. A porch is also proposed forward of the two storey extension, but again, this would have a modest depth of 0.5m and would be set in from the boundary, therefore preventing this from appearing overbearing or resulting in any loss of light. The front extensions would result in no harm to neighbouring dwellings to the west of the site due to the separation by the highway.
- 7.2.3 The proposed two storey side extension would extend the dwelling towards the western boundary. There would be no impact to the adjacent neighbour on the opposite side of the highway. Whilst the extension would be visible to this neighbour, as the front elevation of this dwelling faces onto the application site, given the separation by the highway and the fact that the extensions would remain set in from the boundary means it would not appear unduly overbearing. It is noted that there are windows in the flank elevation of the extension. At first floor level, the window would serve a non-habitable room and thus can be conditioned to be obscure glazed and thus this would not result in overlooking. In addition, there would be no objection raised to the provision of ground floor flank windows in the proposed two storey side extension, given that no overlooking would occur due to the set back of the extension from the boundary and the separation by the highway.
- 7.2.4 To the rear, part single and two storey rear extensions are proposed, with the ground floor having a maximum depth of 6.7m and the first floor having a minimum depth of 3m and a maximum depth of 5.5m. Appendix 2 of the Development Management Policies LDD advises that generally single storey rear extensions to detached dwellings should have a

maximum depth of 4m to prevent harm to neighbouring dwellings. For first floor rear extensions, Appendix 2 sets out the following guidance:

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.

- 7.2.5 The single storey element would not comply with the guidance set out in Appendix 2. However, it is not considered that there would be any harm for the following reasons. No.12 has an attached single storey side/rear extension projecting along the boundary with the host dwelling. Consequently whilst the proposed ground floor extension is acknowledged to be deep, given the development at the adjacent property, it is not considered that this would be overbearing and would not result in a loss of light. The submitted plans indicate that a 45 degree line would not be intruded from a point on the boundary level with the first floor of no.12, thus indicating that there would be no loss of light. Furthermore, amended plans have been received during the course of the extension reducing the depth of the first floor element centrally to 5.7m, which further reduces any adverse harm to this neighbour. Again, there would be no harm to neighbours to the west given the separation by the highway.
- 7.2.6 The development must also be considered with regard to the neighbouring dwelling to the rear of the site located on The Fairway. The rear extensions would largely have an outlook towards the flank elevation and front amenity space serving this dwelling and would not directly overlook the private amenity space serving the dwelling. Whilst the extensions would be visible, due to the relationship, it is not considered that they would be visually overbearing. It is also noted that during the course of the application, the width of the central Juliet Balcony feature has been reduced and the fenestration detail amended. This has also further minimise any visual impact to this neighbour.
- 7.2.7 With regard to the proposed loft conversion, it is noted that the increased ridge height and crown roof form would increase the massing of the dwelling but spacing would still be retained to the boundary with no.12, with the roof form hipping away. The provision of rooflights is also noted, and to prevent any perception of overlooking to no.12, a condition shall be added requiring the two facing no.12 to be set at a cill height of 1.7m above floor level.
- 7.2.8 The extensions would have no impact to the neighbours to the north of the site on the opposite side of Westbury Road due to the separation by the highway.
- 7.2.9 In summary subject to conditions, the 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 Appendix 2 of the Development Management Policies LDD advises that a 6 bedroom dwelling (the accommodation in the roofspace has been counted as a bedroom), should have an amenity space of approximately 147 square metres. The block plan indicates that the dwelling would have a remaining amenity space exceeding 400square metres and is therefore in accordance with the requirements of Appendix 2 of the Development Management Policies LDD.

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 Herts Ecology were consulted and note that they have no habitat or species data specific to the application site. However, it is located near to Sandy Lodge Golf Course Local Wildlife Site and is also within a suburban area characterised by large gardens with trees, providing potential habitats for bats. Therefore given the location, Herts Ecology considered that the applicant should provide a Preliminary Roost Assessment.
- 7.4.4 Following these initial comments, the applicant provided a Preliminary Roost Assessment. A daytime inspection on 28 January found no bats or evidence of bats; however, the building has potential bat roosting features within the roof and eaves areas. Consequently, the building was assessed to have low potential to support roosting bats. Following Bat Conservation Trust best practice guidelines, one follow-on nocturnal bat activity survey is recommended to further inform any use of the building by bats, and to provide appropriate mitigation to safeguard them if present and affected by the proposal. As no outline mitigation strategy was provided within the initial Roost Assessment, Herts Ecology continued to raise concerns. In response, a Bat Mitigation Method Statement has been provided which Herts Ecology raise no objections to. However, they consider it still appropriate to attach a pre-commencement condition requiring additional surveys to be undertaken prior to demolition. The applicant has confirmed their agreement to the condition and consequently, no objections are raised in this regard.

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.
- 7.6 The Landscape Officer has been consulted and has raised no objection to the development, noting that there are no trees adjacent to the development itself as nearby vegetation consists of smaller ornamental shrubs and plants. There is a tree in the adjacent garden, however, this is considered far enough away that its root protection area would not be impacted.
- 7.6.1 As already set out, that the applicant is proposing to increase the area of hardstanding to the frontage, resulting in a loss of soft landscaping to the frontage. Whilst the loss of soft landscaping is regrettable, it is noted that other dwellings within the vicinity have large driveways to the frontage and thus this would not appear incongruous. The grey paving stones proposed are also considered appropriate in its context. The plans also indicate the provision of planting to the frontage and a planting schedule has also been provided. A condition shall be attached requiring the development to be undertaken in accordance with the landscaping plan and schedule.

7.7 Highways, Access and Parking

- 7.7.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Policy DM13 and Appendix 5 of the Development Management Policies LDD advises on off street car parking requirements. Appendix 5 of

the Development Management Policies LDD requires a dwelling with four or more bedrooms to have three off street car parking spaces.

- 7.7.2 There would be no alterations to the existing vehicular access to the site frontage. With regard to car parking, the plans indicate that there would be an increase in hardstanding to provide provision for four car parking spaces, thus in excess of the requirements of Appendix 5. The plans indicate that the surface of the driveway would be a permeable paving, and thus would be suitably drained. A condition shall be added requiring that the driveway is laid out in accordance with the plans prior to the occupation of the development.

7.8 Flood Risk

- 7.8.1 It is noted that Batchworth Community Council have objected to the application stating that the 'area is susceptible to considerable flooding and a development of this size and scale would only extenuate the problem'. In addition, it states that a drainage plan should be provided.
- 7.8.2 Policy DM8 of the Development Management of the Development Management Policies LDD states that 'development will only be permitted where it would not be subject to unacceptable risk of flooding; and would not unacceptably exacerbate risk of flooding elsewhere. Where practicable existing flood risks should be reduced'. In this case, the site is not located within a Flood Risk Zone and there is no requirement for a flood risk assessment to accompany the application. In addition, the application is not a major application and thus there is also no requirement for a drainage plan. It would thus be unreasonable to refuse the application on the grounds put forward by Batchworth Community Council and unreasonable to require a drainage plan as part of the application process.
- 7.8.3 It is noted that the plans specify that the hardstanding to the frontage would be increased. However, as already set out, the paving would be permeable and thus would provide suitable drainage for the area.

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.

- C1 The development hereby permitted shall be carried out in accordance with the following approved plans:

PL-01, PL-02 A, PL-03 A, PL-04 A, PL 05 A, PL-06 A, PL-07 B, PL-08 A, PL-10

Reason: For the avoidance of doubt, in the proper interests of planning and ^IN; 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 LDD (adopted July 2013).

- C2 Prior to demolition, two dusk emergence / dawn re-entry surveys shall be undertaken between May and August inclusive to determine with confidence whether bats are roosting and, should this be the case, the mitigation measures (ref: Bat Mitigation Method Statement, March 2022 prepared by Chase Ecology) shall be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

Reason: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation and in accordance with Policy DM6 of the Development Management Policies LDD.

- C3 The extensions shall not be erected other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans; and no external materials shall be used other than those approved.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the first occupation of the development hereby approved the driveway shall be constructed in permeable paving in accordance with the details shown on Drawing PL-07 Rev B and PL-10 and shall be maintained as such thereafter.

Reason: In the interests of maintaining the character and appearance of the locality and highway safety and convenience in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011).

- C5 The flank rooflights facing no.12 Westbury Road hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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).

- C6 Before the first occupation of the building/extension hereby permitted the landing and bathroom window(s) in the first floor flank elevation facing no.12 Westbury Road 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).

- C7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the south eastern flank elevations or roof slopes of the extension 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).

- C8 All soft landscaping works shall be carried out in accordance with approved plan PL-10 and the associated planting scheme 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 (ie 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. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence 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).

8.1 **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 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.

- 12 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.
- 13 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.

The applicant is advised that Cadent Gas Ltd own and operate the gas infrastructure within the area of the development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring Cadent's requirements are adhered to.