

PLANNING COMMITTEE - 23 March 2023

11. **23/0083/RSP - Part Retrospective: Construction of two storey rear infill extension, removal of existing roof form and provision of new roof form to accommodate accommodation in the roof space, increase in height of two storey side projection, installation of rear dormer windows, conversion of garage to habitable accommodation, internal alterations and alterations to fenestration detail at no.63 WOLSEY ROAD, MOOR PARK, HERTS, HA6 2ER (DCES)**

Parish: Batchworth
Expiry of Statutory Period: 15.03.2023

Ward: Moor Park and Eastbury
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 due to concerns regarding the impact of the alterations on the host dwelling and the wider Conservation Area.

1 Relevant Planning and Enforcement History

- 1.1 W/1727/57: House and garage.
- 1.2 8/336/83: Replacement study.
- 1.3 8/430/87/D3149: Bathroom.
- 1.4 99/01754/FUL: Two storey rear extension. Application permitted.
- 1.5 21/0064/FUL: Two storey rear extension and conversion of garage to habitable accommodation. Application withdrawn.
- 1.6 21/2750/FUL: Two storey rear infill extension, loft conversion including roof extension with rear dormers and rooflights. Application withdrawn.
- 1.7 22/0360/FUL: Two-storey rear extension, roof extension including construction of rear gables, insertion of rooflights and alterations to fenestration. Application refused for the following reason:

The proposed introduction of multiple rear gables by reason of their design including modern glazing detailing and lack of articulation would be unsympathetic to the character and appearance of the existing dwelling thus failing to preserve or enhancing the character of the dwelling. The unsympathetic additions therefore further erode the contribution the house has to the Moor Park Conservation Area. Having regard to paragraph 202 of the NPPF the development would lead to less than substantial harm to the Moor Park Conservation Area. As no public benefits have been suggested to outweigh the harm to the Conservation Area, the proposal would be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies document, the Moor Park Conservation Area Appraisal (2006) and the NPPF (2021).

- 1.8 22/1375/RSP: Part retrospective: Two storey rear infill extension, loft conversion including roof alterations and increase in height of existing two storey side projection, installation of rooflights, conversion of garage to habitable accommodation and alterations to fenestration detail. Application refused for the following reason:

The proposed development by reason of its design and elevated bulk and massing at the rear would be unsympathetic to the character and appearance of the existing dwelling and

would further erode the character of the dwelling to an unacceptable degree. Additionally, it has not been demonstrated that the majority of the existing dwelling would be retained as a result of the significant internal demolition proposed. Having regard to paragraph 196 of the NPPF the development would lead to less than substantial harm to the Moor Park Conservation Area. As no public benefits have been suggested to outweigh the harm to the Conservation Area, the proposal would be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies document, the Moor Park Conservation Area Appraisal (2006).

- 1.9 22/0133/COMP: Unauthorised works: Erection of two storey rear infill extension and removal of roof. Pending consideration.

2. Description of Application Site

- 2.1 The application site consists of an existing two storey detached dwelling located on the eastern side of Wolsey Road, within the Moor Park Conservation Area. The dwelling has been subject to recent works which have included the removal of the roof and the part construction of a rear extension. The Conservation Area is characterised by detached dwellings of varied architectural design, located on large plots with spacing between dwellings.
- 2.2 The existing host dwelling has been extensively altered from its original form as indicated on the plans dating from 1957. Due to previous extensions, the host dwelling had a stepped ridge height to the front elevation with varied roof forms present. There is an existing two storey front gabled projection with tile hanging in the roof form which is located centrally; and it appears that the dwelling has been historically extended towards the boundary with no.65 Wolsey Road. To the rear, the dwelling has been previously extended at two storey level which previously consisted of three separate projections across the rear elevation of the dwelling. The element adjacent to no.65 had a crown roof form, whilst the element adjacent to no.61 had a hipped roof form. These outer elements projected further rearwards than a central recessed element which also had a hipped roof form. Beyond the rear wall of the dwelling is a raised patio area. The boundaries of the site are screened by mature vegetation.
- 2.3 Located to the front of the dwelling is an existing paved carriage driveway with ample provision for off street car parking provision.
- 2.4 At the time of the site visit, the two storey rear infill extension had been constructed, although it did not yet have a roof form. In addition, the roof form of the dwelling had been removed, however, the works had not commenced in relation to the provision of a new roof form.

3. Description of Proposed Development

- 3.1 The applicant is seeking part retrospective planning permission for the construction of a two storey rear infill extension, removal of existing roof form and provision of new roof form to accommodate accommodation in the roof space, increase in height of two storey side projection, installation of rear dormer windows, conversion of garage to habitable accommodation, internal alterations and alterations to fenestration detail.
- 3.2 As the applicant has already removed the entire roof form of the dwelling including the former crown roof, a new roof form is proposed which would include a pitched roof form over what is considered to be the original part of the dwelling. The pitched roof form would be a height of 9m, and would be no higher than the pre-existing maximum ridge height. Over the remaining element of the dwelling, the applicant is proposing to erect a hipped roof form which would have a single ridge with a height of 8.7m for a ridge width of approximately 6m. As part of the development, the pitch of the gabled projection would be altered to match the pitch of the proposed roof form. The plans indicate that this element would still be tile hung.

- 3.3 To the rear, the two storey rear extension which has been partly constructed forms part of the extensions proposed. This two storey rear extension infills the recessed rear building line of the dwelling. The extension has a depth of 1m and a width of 3.6m, to bring the rear building line level with the line of the existing two storey projections. At present, it does not have a roof form, however, the new roof form would be constructed over the extended dwellings rear elevation.
- 3.4 Three rear dormer windows are proposed. These would have pitched roof forms with a height of 1.9m, a width of 1.5m and a depth of 2.6m.
- 3.5 The plans also include the conversion of the existing integral garage, however, the garage doors to the front elevation would be retained.
- 3.6 Amended plans have been received during the course of the application which have resulted in the:
- Removal of front dormer windows;
 - Addition of chimney adjacent to no.65 Wolsey Road;
 - Reinstatement of exposed rafters at eaves level;
 - Amendment to fenestration detail in rear dormer windows.

4. Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [Objection]

There would be no objection extending the property at two-storeys to the rear and inserting pitched dormers to the rear roof slope. As noted previously, extending over the existing crown roof would be acceptable, amending the crown roof to a traditional duo pitched roof would be an enhancement to the property and wider Conservation Area. However, the proposed roof alterations to the original part of the dwelling, including alterations to the front projection, would not be supported from a conservation perspective. There are concerns regarding the cumulative impact of such alterations. With regards to the National Planning Policy Framework the level of harm is considered to be a low level of 'less than substantial' as per paragraph 202. It is understood that the roof has been removed without consent; Were the pre-existing roof form reinstated, with a small extension of the ridge over where the crown roof was, there would be potential for an acceptable scheme.

4.1.2 Batchworth Community Council: [Objection]

This property has a long list of applications with four alone in the past 18 months, two of which were withdrawn and two refused. The last of these applications was, we believe is similar to the current application and that one was refused. This last application generated several local objections as well as those from MP58 & BCC & we "called in the application".

The application also has an added complexity because almost the entire, if not all, of the original roof, was removed from what is a pre-1958 property in a Conservation Area. This was undertaken during the consultation process of a previous application that was subsequently refused. This we are of the opinion is unacceptable.

At the time of application 22/0360/ FUL BCC raised objections and comments. In addition, neighbours objected to that application and supported BCC's. We also supported the objections & comments raised by Moor Park 58.

Most importantly were the reservations of the Conservation Officer who stated the following:

The proposed form and appearance of the extensions would detract from the character and appearance of the Conservation Area. The proposed gabled form makes no relation to the hipped form of the host dwelling, hipped roof forms are a key feature of dwellings in the Moor Park Conservation Area so should not be undermined.

Furthermore, the overall design of the extensions does not relate to the architectural context of the area. The apex glazing appears overly modern, the placement of fenestration appears at odds and the overall appearance is bland, lacking any detail or articulation in plan form. The existing extensions are considered unsympathetic by virtue of their scale but at least relate to the character of the dwelling. The proposed extension would not be an improvement and would further detract from the character and appearance of the host and wider area. The proposed extensions would be cumulatively harmful.

The Conservation Officer added further negative points to this, and the application was refused.

This subsequent application (22/1375/FUL) was largely the same as previously withdrawn (two) and refused application. BCC stated at the time that worryingly work has commenced. This scenario was, in our opinion, to the detriment of the pre 1959 property in one of our (TRDC & BCC) Conservation Areas which we must protect.

Following the objections and comments received in respect of Application 22/1375/FUL and TRDC Planning Officers own review, the application was refused with the following decision stated:

The proposed development by reason of its design and elevated bulk and massing at the rear would be unsympathetic to the character and appearance of the existing dwelling. Additionally, it has not been demonstrated that the majority of the existing dwelling would be retained as a result of the significant internal demolition proposed. Having regard to paragraph 196 of the NPPF, the development would lead to less than substantial harm to the Moor Park Conservation Area. As no public benefits have been suggested to outweigh the harm to the Conservation Area, the proposal would be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies Document, the Moor Park Conservation Area Appraisal (2006). Batchworth Community Council (BCC) are of the opinion that whilst some changes have been incorporated within this application, when compared with the previously refused application, that the sentiments of TRDC's decision remain the same with this application.

BCC further note that the subject property has an ongoing Enforcement Case, dating back to September of last year (22/0133/COMP), in respect of the unauthorised works related to the erection of two storey rear infill extension and removal of roof.

BCC therefore object to this application for the following reasons.

1. The proposed & continual increase in the scale and in particular the bulk & massing of the roof is inappropriate for a Pre 1958 property and is visually determinantal to the South Approach properties that back onto this property.
2. Whilst acknowledging a small adjustment to the roof design it does not remove the fact that the roof was removed without consent, and we are strongly of the opinion that it should be reinstated in its original form & design. A revised application will need to be submitted accounting for this and making sure that all other changes to the design that required as a result of this being enforced are included. This is essential to ensure that all parties adhere to TRDC's Planning policies and account for clearly set out principles of the MPPAA. Anything less is tantamount to allowing others to follow suit and damage our Conservation Area not just in Moor Park but throughout TRDC
3. The inclusion in this new & current application of the dormer windows in the front elevations is unacceptable. Again their inclusion sits outside the approved design and

specifications as details in the MPCA. It is out of character in Moor Park and changes the street scene. BCC strongly recommend that these are removed entirely from future design and applications.

4. Furthermore, we note that as part of the current redesign & included in this application are the three large dormer windows to the rear of the property. Again, we are of the opinion that these are over dominant, unacceptable and need to be significantly reduced in scale. The revisions also need to ensure that these windows do not have a negative effect on the privacy of the neighbours.

With the works that have already been undertaken it continues to be important that we ensure that the applicant, their professional team and contractor(s) adhere to all regulations and consents when eventually granted. It is important that they do not undertake any further works that could be damaging to the existing property and in due course exceed what has been approved and demolish anything beyond what has been agreed and consented.

Added to this any future consent would have very strict parameters included within the decision to ensure that there is no straying from what has been approved. As part of the planning application 22/0360/ FUL the Conservation Officer (CO) set out detailed reasons for refusal (as detailed above). Unfortunately, the CO did not provide any comments in respect of application 22/1375/RSP. We would request that comments are sought from the CO in respect of the current application and that BCC are provided the right to comment further once the CO's comments and advice is received.

We would seek TRDC Planning Officers support to refuse this application, enforce the exact replacement (like for like) of the roof so it matches the original removed roof and ensure that any future applications is aligned with both TRDC planning policies and the MPCA.

Accounting for all of our comments above Batchworth Community Council would ask that this application is called in for a decision by the TRDC Planning Committee unless the Planning Officers are minded to refuse.

4.1.3 Moor Park 1958: [Objection]

The Directors of Moor Park (1958) Limited wish to express the following strongest possible objections, concerns and related material planning comments on the submitted application as set out below.

1. At the outset, we find it completely unacceptable and intolerable that the entire roof of this pre-1958 dwelling within the Moor Park Conservation Area has been removed without the benefit of planning permission.

Consequently, we wish to raise our strongest possible objections to this outrageous act of vandalism and therefore ask that the Council do nothing to easily, readily or conveniently aid the applicant in attempting to now simply "replace the roof", under the guise of significantly extending the property in the form of extensive new roof accommodation and other extensions and alterations.

We urgently contend that the correct planning first principles must be applied in the determination of this application, when faced with an unauthorised situation on the site. **In light of this, we respectfully, but firmly, submit that the Council's Conservation Officer expert must first be asked to consider, in detail, this key question.....had the original roof of this pre-1958 dwelling (with its own angles of pitch, combined with its unique design with a variety of ridge heights and different slopes and features) still be in situ, would the Officer have supported the removal of the entire roof in favour of what is now proposed?**

We strongly contend that, if the answer to that question is “no” then this scheme cannot, and should not, be approved, because such a decision by the Council would merely allow the applicant to be “rewarded” for undertaking unauthorised works, after having previously been TWICE refused planning permission to do so! Just because the roof has been removed does not mean that the Council has to allow a new roof in its place. If this leaves the applicant in a state of limbo, it still does not justify or support an approval of a form of development that would not have been **supported or approved if the original roof was still in place.**

We should like to remind the Council that the following comments were made by its Conservation Officer expert when an earlier application was under consideration at the application site, viz:-

“.....The property is located in the Moor Park Conservation Area. The property is a pre-1958 dwelling, although heavily extended to the rear which is not positive, the property contributes to the significance of the Conservation Area by virtue of its derivation and appearance. There would be no in principle objection to sensitively extending the property.....”.

In light of this we are bound to ask, does removing the entire roof to accommodate the proposed extended new roof accommodation, correspond to “.....sensitively extending the property.....”?

We submit that it **does not**, and the direct and consequential harm to the character and appearance of the host dwelling, by virtue of the unauthorised removal of the roof and now combined with the current the development scheme, is entirely and demonstrably harmful and unacceptable. On this clear and irrefutable basis, the application should be refused.

If, after full and detailed analysis and exhaustive consultation with the Conservation Officer expert, the Council finally resolves that it has no alternative but to accept that a roof needs to be put back on the dwelling, we submit that, in light of all the circumstances and the calculated/cynical/reckless unauthorised demolition and removal, we strongly contend that the very **maximum** that should be permitted, is to allow the roof to be replaced **exactly as it was**, with precisely the same angles, slopes, features and varying ridge heights etc. If this means that only less (or no) potential exists for any roof accommodation, then that is simply how it should be based solely on the **material planning facts**. But this approach will enable the Council to clearly demonstrate that the protection and re-instatement of the original roof form of this important pre-1958 dwelling on the Moor Park Conservation Area estate is given maximum, paramount weight, and hopefully will equally serve as a deterrent to other developers who believe unauthorised demolition and/or development is the short-cut and somehow acceptable way to gain planning permission for what would otherwise be regarded as harmful and unacceptable and hence refused.

2. Turning to the details of the application and **without prejudice to any of our arguments and submission set out in 1 above**, we consider the scheme is also unacceptable for the following reasons:

(i) front dormer windows are unacceptable by virtue of paragraph 3.7 of the MPCAA which states that front dormer windows are “only acceptable” where they are a **common/predominant** feature in the street scene.

It is our view that simply the existence of “other dormers” somewhere in the street is not a sufficiently high test or simple justification here. The provisions of para 3.7 clearly requires the existence of front facing dormers in the vicinity to be “...**common nd predominant**..”. If they are not considered to be “common and predominant” in this section of Wolsey Road, we wish to raise our “in-principle” objections, due the harmful impact front dormer

projections have in the context of the prevailing roofscape within the wider character and appearance of the Conservation Area.

(ii) Paragraph 3.7 of the MPCAA also says that “where acceptable...” (note - effectively only at the rear of dwellings), “...dormer windows” should be.....

- of good proportions and balance
- -should appear subservient to the roof,
- **placed well down** from the main ridge and
- should **have smaller windows than the main fenestration** (as a guide, not more than two thirds the latter's height and width).”

We are of the opinion that the proposed three rear dormers, by reason of number, size, location and bulk, and proximity to the outer edges of the roof slope, represent an over-dominant and unacceptable form of development that is demonstrably not balanced nor subservient in scale and form to the roof within which is it placed. On this basis the dominance of the dormers should be significantly reduced. If this cannot be agreed, the application should be refused.

In addition, para 3.7 of the MPCAA also specifically stresses that “**rear dormers should not impair the privacy of neighbours**”. Consequently, we would request that the Council ensures that the overlooking aspect from the rear dormers is also fully recognised and taken into account in the determination of the scheme.

3. The Council will be aware that prior to the submission of the current application two earlier scheme were withdrawn due to various shortcomings in scale, appearance and design, and two more applications were formally refused, for reasons including:-

- design and elevated bulk and massing,
- lacking sympathy to the character and appearance of the existing dwelling,
- eroding the character of the dwelling to an unacceptable degree and
- for not demonstrating that the majority of the existing dwelling would retained as a result of the significant internal demolition proposed.

We trust that the Council will apply exactly the same levels of scrutiny and close examination of the current scheme, in conjunction with the Conservation Officer as was applied in regard to the two withdrawn and two refused applications.

4. Finally, given

- (i) that the previous refusal refers to the **extent of internal demolition** and given.
- (ii) the applicant's contractors have already shown previously a keen willingness to **remove/demolish the roof and presumably other parts of the dwelling without consent**,

We respectfully request that IF the Council is minded to allow a modified form of development at some stage in the future (i.e. after this application is refused), then every conceivable control, condition, restriction and constraint is put in place to prevent the complete demolition of this important pre-19598 dwelling, in similar unauthorised outcomes as 27 Sandy Lodge Road and 30 South Approach.

Due to the dire situation and wholly harmful and unacceptable circumstances surrounding the unauthorised removal of the roof in order to facilitate this development, we will be seeking support for the application to be called in for Committee decision, unless officers proceed to refuse the application under delegated powers and thereafter vigorously pursue enforcement action.

We trust the above response, based on what we regard as very relevant and material planning considerations, primarily within the approved MPCAA, will be taken full cognisance of.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 10

4.2.2 No of responses received: 2 objections.

4.2.3 Site Notice: Press notice: Expiry 17.02.2023

4.2.4 Summary of Responses:

- Concerns raised by part retrospective nature of the application.
- Roof form should not have been removed due to it being pre-1958.
- Three dormer windows dominate the roof form and result in overlooking to no.26 and no.28 South Approach.
- The proposed elevations and alterations are not sympathetic to the original house.
- Whole roof form does not 'look right'. Pitch of roof form is too shallow, and the loss of the chimney is detrimental to the overall appearance. This is particularly noticeable in the projecting centre section at the front over the main entrance.
- Roof form is bland; does not add appropriate detail to contribute to the character of the dwelling.
- Provision of an increased pitch would help retain character, although may result in a small flat section.
- Front dormer windows were previously considered unacceptable. Why are they acceptable now. The dormer providing light to stairs could be replaced by a light tunnel.

5. Reason for Delay

5.1 Committee cycle.

6. Relevant Planning Policy, Guidance and Legislation

6.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

6.3 National Planning Policy Framework and National Planning Practice Guidance

In 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.

6.4 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, CP8, CP9, CP10 and CP12.

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

6.5 Other

The Moor Park Conservation Area Appraisal (adopted October 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 Demolition

7.1.1 Policy DM3 of the Development Management Policies LDD relates to Heritage Assets including development in Conservation Areas and advises the following in respect of demolition:

Within Conservation Areas permission for development involving demolition or substantial demolition will only be granted if it can be demonstrated that:

- i) The structure to be demolished makes no material contribution to the special character or appearance of the area; or,*
- ii) It can be demonstrated that the structure is wholly beyond repair or incapable of beneficial use; or*

- iii) *iii) It can be demonstrated that the removal of the structure and its subsequent replacement with a new building and/or open space would lead to the enhancement of the Conservation Area*

- 7.1.2 The Moor Park Conservation Area also provides guidance on demolition and sets out that the 'Council will give high priority to retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. As a guide, the Council will seek the retention of buildings on the estate erected up to 1958 when the original estate company was wound up'.
- 7.1.3 It appears from the planning history, that the dwelling located at no.63 Wolsey Road, was granted planning permission in 1957 and therefore may have been completed after 1958. However, it is clear from the 1957 plans, that the pre-existing dwelling had already been significantly altered beyond its original form. Notwithstanding this, it is acknowledged that the style of the pre-existing dwelling was reflective of the Arts and Crafts style which is typical of the wider Conservation Area. At the time of the previous application, the Conservation Officer did note that although heavily extended to the rear which is not positive, the property contributes to the significance of the Conservation Area by virtue of its derivation and appearance.
- 7.1.4 As set out above, the entire roof form of the dwelling has been removed without the benefit of planning permission and it is acknowledged that significant concern has been raised by consultees with regard to this. In addition, concern was expressed at the time of the previous application with regard to the extent of demolition with officers noting the following:
- 'The proposed plans indicate that nearly all the internal walls, some of which would appear to be structural walls, would be removed, with minimal replacements. As a result of this, Officers hold concerns in respect of whether the majority of the external first floor walls would be structurally supported in the event of the grant of planning permission'.*
- 7.1.5 Although it is acknowledged that as a whole, no.63 as pre-existing did contribute to the appearance of the Conservation Area, it is considered that the scale of the pre-existing roof form did emphasise the significant alterations undertaken to the original host dwelling. Furthermore, the pre-existing roof form included a crown roof element which is a design element which is not in keeping with the Arts and Crafts style or reflective of the wider Conservation Area. It is also now an element highlighted to be unacceptable within the Moor Park Conservation Area Appraisal.
- 7.1.6 With regard to the extent of demolition, officer's central concern at the time of the previous application related to whether the majority of the first floor would be structurally supported given the extent of internal demolition. To date, a structural method statement has not been provided, however, the submitted plans indicate that the existing external walls have been retained, with the exception of the central recessed element. In the event of planning permission being granted, it is suggested that a condition be added requiring a Construction and Demolition Statement to be submitted within one month of the decision date to provide further detail on how the implementation would take place in accordance with the approved plans. Whilst it is acknowledged that internal fabric has been lost, it is not considered that these elements in themselves contributed to the significance of the heritage asset to justify refusal on this aspect alone, particularly given the retention of the most of the external walls, as well as the existing fenestration detail. Further, the removal of internal walls would also not comprise development.
- 7.1.7 In summary, it is acknowledged that the pre-existing dwelling did make some contribution to the character and appearance of the Conservation Area. As such, the loss of original fabric is acknowledged to be contrary to Policy DM3 of the Development Management Policies LDD and the provisions of the Moor Park Conservation Area Appraisal. However, the following sections, shall discuss whether there are material considerations that weigh in favour of the grant of planning permission.

7.2 Impact on Character and Street Scene

- 7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD relates to residential development. It sets out that 'layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (eg hedges, walls, grass verges).
- 7.2.3 The NPPF gives great weight to the conservation of heritage assets and requires 'clear and convincing justification for any harm to or loss of significance and requires new development within Conservation Areas to enhance or better reveal their significance'. Policy DM3 of the Development Management Policies LDD relates to development in Conservation Areas and states that development will only be permitted if it is of 'a design and scale that preserves or enhances the character or appearance of the Conservation Area'. Policy DM3 of the LDD also outlines that demolition in a Conservation Area will only be supported if the structure to be demolished makes no material contribution to the special character or appearance of the area. The Moor Park Conservation Area Appraisal (adopted 2006) states that the bulk and massing of large extensions or replacement houses will also be considered in terms of consistency with the characteristic building form of the Conservation Area.
- 7.2.4 Appendix 2 of the Development Management Policies document states; 'oversized, unattractive and poorly sited additions can detract from the character and appearance of the original property and the general street scene'. Applications for two storey side extensions should be set in from the boundary by 1.2m at first floor level. With regard to distances to the flank boundaries, the Moor Park Conservation Area Appraisal advises the following in order to retain the spacious 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.
- 7.2.5 The proposed development includes the provision of a two storey rear extension, from the recessed element of the rear wall. This extension has been constructed (excluding the roof form) and projects no further than the two projections sited to either side of the dwelling. Given this element is not visible from the frontage, it is not considered that this has a significant impact on the appearance of the host dwelling or wider Conservation Area. It is also emphasised, that officers have not previously raised an objection to this element of the proposed development.
- 7.2.6 A new roof form is proposed to extend over the main dwelling, and rear extensions. It is noted that the Conservation Officer has expressed concerns over the cumulative impact of the roof alterations with a preference for the existing roof form to be reinstated, with a small extension of the ridge over where the crown roof was. These concerns are acknowledged. However, in response, the plans indicate that a pitched roof form would be located over what is deemed to be the original part of the dwelling. This element would be no higher than the maximum ridge height of the pre-existing roof form, and as such, its visual impact on the streetscene is considered to be minimised. In this respect. A hipped roof form at a uniform height is proposed over the remaining element of the dwelling, thus resulting in the

loss of the pre-existing staggered ridge line in this area. Importantly, however, this element would remain as subordinate to the main ridge, with the hipped roof form minimising the overall bulk and massing of the development. Furthermore, the proposal omits the previous untraditional crown roof form and thus there is a benefit from the new roof form. . Following discussions with the applicant during the course of the application, the amended plans also include the reinstatement of the exposed rafters at eaves level, as well as the provision of a chimney. These elements would reflect the character of the pre-existing roof form and on balance, it is not considered that the new roof form would result in harm to the host dwelling and wider conservation area to justify refusal of the application.

- 7.2.7 The applicant is also proposing to alter the pitch of the gabled projection to the front elevation. It is noted that the Conservation Officer has raised concerns. Whilst these concerns are noted, a gabled projection would still be added which would reflect the style of the dwelling, with tile hanging still proposed to this element. It is therefore not considered that the alteration to the pitch of the gable would result in such adverse impact to result in demonstrable harm.
- 7.2.8 The original plans also included the provision of front dormer windows. Appendix 2 of the Development Management Policies states that front dormer windows may not always be appropriate within the streetscene. Likewise, the Moor Park Conservation Area Appraisal reiterates this guidance. Concerns were raised in relation to the provision of front dormer windows, as it was considered that they would increase the visual prominence of the extended part of the original dwelling thus they would detract from the original character.. As a result, the applicant has removed these from the plans to ensure that the original part of the house is still the most legible
- 7.2.9 The plans also include the provision of rear dormer windows. Appendix 2 of the Development Management Policies LDD provides further guidance and states that these should be subordinate to the main roof form. They should be set down from the ridge, set in from both sides and back from the plane of the wall. The proposed dormer windows would be in accordance with this guidance, and the pitched roofed forms are considered to be sympathetic. The amended plans include revised fenestration in the dormer windows which would be more reflective of the style of the existing rear fenestration detail at first floor level. It is also emphasised that the Conservation Officer has raised no objection in this regard.
- 7.2.10 The proposed garage conversion would result in internal changes with garage doors retained to the front elevation. As such, this would not result in harm to the overall character and appearance of the host dwelling or wider Conservation Area.
- 7.2.11 The Moor Park Conservation Area Appraisal also provides further guidance to protect the special character of the area. Paragraph 3.4 of the Appraisal 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'. The proposed development would equate to a 16.5% plot coverage, thus exceeding the percentage increase set out in the Appraisal. However, no objection is raised in this regard, given that the main increase in size, relates to an infill rear extension and thus would not encroach further into the plot. In addition, the proposed development would not encroach any further towards the side boundaries, therefore there would be no erosion of space towards the boundaries of the site.
- 7.2.12 In summary, it is acknowledged that the Conservation Officer considers that the proposed roof alterations would result in a low level of less than substantial harm to the Conservation Area. However, on balance, given that there would be no increase in ridge height, that a hipped roof form would be retained, and that the proposal would result in the removal of a crown roof form, officers do not consider that the proposal would result in demonstrable harm to justify refusal on this basis. The amended plans also include the reinstatement of the exposed eaves rafters, as well as the provision of a new chimney, all of which would

further enhance the altered dwelling and weigh in favour. It is therefore considered that the development would, on balance, preserve the character and appearance of the host dwelling and wider Conservation Area and thus it would be acceptable and in accordance with Policy CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the provisions of the Moor Park Conservation Area Appraisal (2006).

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy advises that development proposals should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Appendix 2 of the Development Management Policies LDD states that 'oversized, unattractive, and poorly sited development can result in loss of light and outlook for neighbours and detract from the character and appearance of the streetscene'.

7.3.2 The proposed new roof form would have a ridge height, no higher than the maximum ridge height of the pre-existing roof form. In addition, it would remain as hipped, thus minimising the bulk and massing of the dwelling and the impact to both neighbouring dwellings.

7.3.3 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. With regard to two storey extensions, Appendix of the Development Management Policies LDD advises the following:

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

7.3.4 The development includes a two storey rear extension which is located centrally, effectively infilling the central recessed building line of the existing dwelling. Given the location of this element, it is screened by the existing projections and therefore does not impact on the residential amenities of neighbouring dwellings with regard to its depth. There is no intrusion of the 45 degree line as set out above.

7.3.5 It is noted that objections have been received with regard to overlooking from the rear dormer windows. With regard to overlooking, Appendix 2 of the Development Management Policies LDD advises the following:

Distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys (especially dwellings/flats) with elevations which directly face one another or in situations where there are site level differences involved

7.3.6 The concerns raised by neighbours are acknowledged, however, the back to back distance between no.63 Wolsey Road and properties in South Approach exceeds 50m, and therefore is significantly in excess of the 28m set out in Appendix 2, even when accounting for the slight level differences. Whilst the extensions would be visible from South Approach, the distance between the properties would prevent the development from being unduly overbearing or prominent, and would prevent any significant harm in terms of overlooking. Whilst the dormer windows would provide some outlook to the rear gardens of the dwellings immediately adjacent on Wolsey Road, it is not considered that these would result in increased harm as to what is already experienced as a result of first floor windows.

7.3.7 With regard to fenestration alterations including the addition of ground floor flank windows facing no.61, no objection is raised given the nature of the windows as located at ground floor and being set in from the boundary.

7.3.8 There would be no harm to neighbours opposite the site.

7.3.9 In summary, given the existing site circumstances, it is not considered that the proposed development would result in significant harm to the residential amenities of neighbouring dwellings and thus no objections are raised. The development is viewed to be 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).

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 Development Management Policies LDD (adopted July 2013).. 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 Biodiversity Checklist which specifies that no protected species would be adversely affected by the development; this was also specified in previous applications prior to the removal of the roof form. At the time of previous applications, no objections was raised with regard to the impact on protected species, and this is also considered to be the case at the current time.

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies LDD relates to trees and landscaping. It advises the following: Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

7.5.2 The proposed extensions to the dwelling are located centrally, with the elements adjacent to the boundaries of the site remaining of the same depth as existing. Given the existing circumstances, it is unlikely that the development would result in harm to any significant trees on the site. Whilst there are trees located in close proximity to the development, it is not considered that the development would result in significant harm and thus no objection is raised in this regard.

7.6 Highways, Access and Parking

7.6.1 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 relates to car parking provision, advising that a dwelling with four or more bedrooms should have three off street car parking spaces.

7.6.2 In this case, no alterations are proposed to the existing vehicular access. With regard to car parking, the dwelling has an existing carriage driveway with provision for three car parking spaces and thus no objection is raised in this regard.

7.7 Amenity Space

- 7.7.1 The proposed development would result in the provision of a six bedroom dwelling. Appendix 2 of the Development Management Policies LDD requires a dwelling of this size to have an amenity space of 147 square metres. The rear garden has an area exceeding 500square metres which is considered to be sufficient for a dwelling of this size.

8. Recommendation

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

- C1 The parts of the development not yet begun, 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: 02, 03, 04, 05, 06, 07, 08, 09, 10 (07.03), 11 (07.03), 12 (07.03) 12A, 13A, 14A, 15A, 16A.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the Conservation Area and the residential amenity of neighbouring occupiers, 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 Prior to any further works on site, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. This Construction & Demolition Method Statement shall include details of how all existing walls (internally and externally) and the mono pitched roof form of the single storey garage projection as shown on the approved drawing numbers will be maintained throughout the erection of the extensions hereby permitted with only those walls as proposed for demolition to be removed.

Reason: To safeguard the Conservation Area, to ensure that premature demolition does not take place before adequate provision for development works in order that the visual amenities of the area are safeguarded in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013)

- C4 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building and pre-existing roof form.

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 Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Prior to any further works to the roofslope, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: To prevent the building being constructed in inappropriate materials in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 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 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).

8.2 **Informatives:**

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

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

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk 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.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

- I2 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The applicant engaged in the pre-application process. In addition, 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.