8. **17/1004/FUL - Demolition of existing dwelling and construction of replacement detached dwelling at GREEN HILL, SANDY LANE, NORTHWOOD, HA6 3ER for Mr Zaheer Sheikh**

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| Parish: Parish: Batchworth Community Council | Ward: Ward: Moor Park and Eastbury | |
| Expiry Expiry Statutory Period: 19 July 2017 | Officer: Officer: Jane Rodens | |
|  |  | |
| Recommendation: That planning permission is refused. | |
|  | | |
| ThiTThis application is brought before the Committee: Because it has been called in by three Planning Committee Members | |

1. **Relevant Planning History**
   1. W/654/72 - Extension to dining room,2 bedrooms
   2. 8/784/87 - Detached house and garage (Outline)
   3. 8/429/88 - Double garage
   4. 16/1992/FUL - Demolition of existing dwelling and construction of replacement detached dwelling - (Refused) – 16 November 2016, for the following reasons:

R1 - The proposed replacement dwelling by reason of siting, elevated position, excessive width, depth, height and design including large crown roof form, raised roof lantern and front dormer windows would create an obtrusive and excessively prominent form of development which would be detrimental to the spacious and sylvan setting of Sandy Lane and the nearby Frith Wood Conservation Area. The development would be contrary to 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).

R2 - The proposed replacement dwelling by reason of its siting, excessive width, depth, height, bulk, massing and design including fenestration would create an excessively prominent, overbearing and obtrusive form of development resulting in a loss of light, residential amenity and loss of privacy to neighbouring dwellings. This would be to the detriment of the neighbour's enjoyment of their private residential amenities, contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

R3 - In the absence of additional surveys as recommended by the submitted Preliminary Roost Assessment, it has not been demonstrated that the proposed development would not have an adverse impact on any protected species which may be present within or use the site. Failure to provide this information means that necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected species or their habitats contrary to Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013)

1. **Site Description**

* 1. The application site consists of a two storey detached dwelling located to the east of Sandy Lane, Northwood and is within close proximity to the boundary with the Frithwood Conservation Area which is located to the west of the site. The streetscene of Sandy Lane consists of detached dwellings of varied architectural style located on large plots within a sylvan setting. The building line in this location is stepped with both adjacent neighbours being set forward relative to the front building line of Green Hill.
  2. Green Hill is set at an elevated position in relation to the existing highway to the west of the site, which it is set back from approximately 36m. It is orientated so that the front door to the dwelling is located on the southern elevation facing towards the flank boundary with Clarewood. Therefore, this appears to be the principal elevation of the dwelling. As a result of the siting of the dwelling there is currently a significant proportion of amenity space located to both the side and rear of the dwelling. To the front of the dwelling located adjacent to the southern boundary of the site is a detached garage. The existing dwelling is screened from the highway by significant mature trees and vegetation. The site is affected by a number of individual and group tree preservation orders.
  3. There is significant provision for off street car parking within the curtilage of the application site.

1. **Proposed Development**
   1. This application seeks full planning permission for the demolition of the existing dwelling and construction of replacement detached dwelling.
   2. From the plans that have been submitted there are inconsistencies with the scale bars and the measurements on the plans. Therefore these measurements have been taken electronically.
   3. The replacement dwelling would be four storey including basement and loft level accommodation. It would have a width of 21m at ground floor and would have a maximum depth (including hall projection to front and kitchen projection to the rear) of approximately 20.1m with a depth of 17.6m to the north flank elevation and a depth of 16.2m to the south flank elevation at ground floor. At first floor level, the rear section of the dwelling would be set in at least 2.6m from the ground floor flanks. The dwelling would have a maximum height of approximately 9.9m from ground level as indicated on the front elevation, as there is a change in levels to the rear.
   4. In terms of design, the dwelling would have a crown roof form, a roof lantern would be positioned on top of the crown roof form with a height of 0.7m above the top of the proposed ridge line. The roof accommodation would be served by two dormer style windows to the front elevation and three to the rear. The front projection of the dwelling would take the form of a gable ended projection with a height of approximately 8.8m from ground floor level. Forward of the two storey projection would be a 'portico' style storm porch which would have a depth to the front columns of approximately 0.7m and a width of 3.3m.
   5. The design of the rear elevation includes two hipped projections in line with the main ridge. Centrally, there is a proposed to be a two storey projection which would accommodate a first floor balcony; it is proposed with glazed balustrades to the rear elevation.
   6. The proposed elevations are to be faced in brick with a tiled roof.
   7. The proposed dwelling is to accommodate the following. Basement; swimming pool, gym, WC, sauna, changing room, laundry and plant room. The ground floor; music room, dining/kitchen, larder, utility, WC, two living rooms and hall. First floor; 4 bedrooms all with en-suites, a master bedroom with two dressing rooms and en-suites. Loft space; office and games room.
   8. The dwelling would face west and would be set approximately 35m from the front boundary of the site; at least 4.2m from the north boundary and at least 2.9m from the south boundary
   9. The application is accompanied by a Planning Statement, Design and Access Statement, Energy Statement, Biodiversity checklist, Bat Emergence and Activity Bat Survey and an Arboricultural Impact Assessment.
2. **Consultee Responses**
   1. Landscape Officer:

I hold no objections to the proposal and a tree protection plan (TPP) has now been supplied. Providing the TPP is carried out as a condition in drawing GH/P/107 I am satisfied that the root protection areas are fully protected by the fencing and hardstand.

There are group and individual tree preservation orders on site (TPO564) and the location is just outside the Frith Wood Conservation Area.

The following conditions should also be applied:

**No felling or lopping**

No trees, hedgerows or shrubs within the curtilage of the site, except those shown on the approved plan(s) or otherwise clearly indicated in the approved details as being removed, shall be felled, lopped or pruned, nor shall any roots be removed or pruned without the prior consent of the Local Planning Authority during development and for a period of five years after completion of the development hereby approved. Any topping or lopping approved shall be carried out in accordance with BS: 3998 (2010) ‘Tree work - Recommendations’. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1st October to 31st March) following their loss or removal.

Reason: The existing trees/hedgerows/shrubs represent an important public visual amenity in the area and should be protected in accordance with the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

* 1. National Grid (Gas): No response received.
  2. Herts and Middx Wildlife Trust:

The submitted bat survey (Cherryfield Ecology) states that it is compliant with the Bat Conservation Trust Good Practice Guidelines (Collins 2016). It states that bat droppings were found on hanging tiles and that 2 surveys were consequently conducted. The BCT guidelines state that 3 surveys should be conducted where evidence of bats has been discovered in a building that has a high roost suitability, such as this building is described to be in the report (table 7.1 p.52).

The potential demolition of this building, the evidence of bat usage (droppings) together with the suitability of the surrounding habitat infers that more survey effort is required. Rather than another emergence or re-entry survey it is advised that a destructive search of the area where the droppings were found should be undertaken. This will involve removing the tiles (which can be reattached afterwards) to see if evidence of droppings is apparent behind them. If a roost is present this evidence will be visible. This will represent adequate, pragmatic and more conclusive survey effort in this instance. At present the survey is not consistent with the BCT guidelines and does not satisfactorily discount the presence of bats and therefore should not be approved before this information is provided.

* 1. Hertfordshire Ecology:

There is still no evidence of bats so the application can be determined. I would advise the usual informative on any approval:

* If bats, or evidence for them, are discovered during the course of any works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

1. **Neighbour Consultation**
   1. Site/Press Notice:

* Site notice not required.
* Press notice not required.
  1. No. consulted: 16
  2. Summary of 5 responses received.
* The width, depth and height are unchanged from the previous proposal (16/1992/FUL).
* The height (ground to roof apex) has been reduced by 1m. The roof line remains higher than that of adjacent houses.
* Deeper indentation of the ground floor at the rear right, first-floor width reduction to the rear and re-siting towards the road may soften the impact on my secluded rear garden, although because of its depth the building will still impinge on the current sylvan view from my first-floor rear windows.
* It should create a home which is more in keeping with those in the neighbourhood, as regards both architectural style and size in relation to its site.
* Given the very special character of the surrounding area and the proximity to a conservation area, the proposed house remains excessively large for the size of the plot, and amounts to intrusive and inconsiderate overdevelopment of the site.
* The austere architectural style is completely out of keeping with other properties in the vicinity, and the proposed dwelling seems forbiddingly institutional rather than homely in its appearance.
* Should approval eventually be granted for a new dwelling of appropriate size for the site, a permanent condition should be imposed against the addition of extensions, in order to limit scope for future enlargement of the house.
* The access to the site will cause the blockage and disruption for the use of Sandy Lane by the residents.
* During the proposed construction phase the residents of Sandy Lane and Seven Acres would be extremely vulnerable if an emergency vehicle was called.

1. **Relevant Local and National Policies**
   1. On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.
   2. The Three Rivers Local Plan is currently being drawn up. The Core Strategy was adopted on 17 October 2011 after the Inspector concluded that it was sound following Examination in Public which took place in June 2011. Relevant policies of the adopted Core Strategy include CP1, CP8, CP9, CP10 and CP12.
   3. The Development Management Policies Local Development Document (LDD) 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 of the adopted Development Management Policies LDD include DM1, DM3, DM4, DM6, DM13 and Appendices 2 and 5.
   4. The Localism Act received Royal Assent on 17 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
   5. 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.
2. **Analysis**
   1. Principle of Development
   2. The applicant is proposing the demolition of the existing dwelling. It is acknowledged that the existing dwelling is of an attractive design and reflective of the character of the other dwellings in the area. However, it is not statutorily listed and not within the Conservation Area (although its siting in close proximity to the Frithwood Conservation Area is noted). As such, there is no in principle objection to the demolition of the existing dwelling and its replacement. However, the acceptability of the proposed replacement scheme will be considered in the analysis below.
   3. Design, Streetscene and Impact on the Conservation Area.
   4. Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that 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. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) advises that development should not appear excessively prominent within the streetscene and that oversized, unattractive and poorly sited developments can result in a loss of light and outlook for neighbours and detract from the character and appearance of the streetscene. The Frithwood Conservation Area is located directly opposite the application site and therefore Policy DM3 of the Development Management Policies LDD is also relevant. This states that development should not adversely affect the setting of the Conservation Area.
   5. Whilst set at an elevated position relative to the adjoining highway, the existing dwelling by reason of its siting and design is an unobtrusive and low key addition within the Sandy Lane streetscene. It is located to the north of the site leaving significant spacing to the southern boundary. The spacing and vegetation around the existing dwelling contributes significantly to the sylvan and semi- rural character of Sandy Lane. In contrast, the replacement dwelling would occupy a more central position extending for a width of approximately 21m across the plot. Consequently, it would be located within closer proximity to both flank boundaries. Appendix 2 of the Development Management Policies LDD advises that generally 1.2m should be retained to flank boundaries to prevent a terracing effect although more spacing should be sought in lower density areas to ensure that the character of an area is retained. In this case, the flank wall of the proposed dwelling would be set approximately 4.2m from the boundary with Birchbank and approximately 2.9m from the flank boundary with Clarewood at the closest point in line with the proposed dwelling. Whilst this would be in excess of the guidance within Appendix 2 of the Development Management Policies LDD, significant concern is raised that due to the nature of the southern boundary, it would appear as set in closer proximity when viewed from the frontage and would project approximately 1.5 further south than the line of the boundary at the narrow point forward of the dwelling, therefore impacting on the spacious character of the area. Whilst the screening to the frontage and flank boundaries is acknowledged, this cannot be relied upon to prevent an otherwise unacceptable impact.
   6. Furthermore, the significant width of the dwelling and siting combined with the proposed height and design would serve to create an excessively prominent and obtrusive form of development when viewed from Sandy Lane. The proposed dwelling would have a maximum height of 9.9m, therefore an increase of approximately 1.1m relative to the existing dwelling which already appears higher than both adjacent neighbours. Cumulatively, the increased height and width would create a more prominent and dominating form of development with the dwelling ridge line approximately 2.1m higher than Birchbank and approximately 2.2m above Clarewood. The applicant is proposing a mock Georgian style dwelling with gabled projection and portico style porch, roof level dormer windows and a large roof lantern measuring approximately 0.6m above the ridge level of the dwelling. Whilst the styles of dwellings within the vicinity do vary, the design features proposed by the applicant along with the excessive scale create a dominating and obtrusive form of development. Furthermore, the provision of roof level dormer windows would be uncharacteristic of Sandy Lane. As set out above, although the styles of the dwellings within the vicinity do vary, where there are dormer windows, these are generally at first floor level rather than within the actual roof space. In addition the fenestration style creates a vertical emphasis to the design of the dwelling, thereby further exacerbating the significant height of the dwelling within its context.
   7. The impact of the proposal would be further exacerbated by the increase in bulk and massing created by the design. Due to the excessive width and depth of the proposed dwelling, the design includes a crown roof form measuring 14.8m in width and has a depth of 3.1m. Appendix 2 of the Development Management Policies LDD states the following with regard to the provision of crown roof forms;

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

* 1. The crown roof is of a reduced scale from the previous application, but it is considered that due to the elevated nature of the site and the height of the proposed dwelling in relation to neighbours, the crown roof form and depth of the dwelling would be visible from the side, therefore creating an obtrusive and unsightly form of development. Furthermore, the provision of crown roof forms are not characteristic of the wider streetscene and is further indicative of the unacceptable scale of the development.
  2. The application site is located opposite the boundary with the Frith Wood Conservation Area and as such residents have also raised concern regarding the impact on this heritage asset. Policy DM3 of the Development Management Policies LDD states that development should not 'harm important views into or, out of or within the Conservation Area. Sandy Lane is a single track road with no banks or pavements and forms one of the boundaries within the Conservation Area. The Conservation Area Appraisal notes the following with regard to its special character:

*'The special character of the area is derived from the older houses set apart from each other on large individual plots, with wide frontages and mature landscapes and is influenced by many significant and notable trees and Grade II Listed and Locally Listed building within its boundaries. The density of dwellings per hectare is low and this is a key characteristic of the Conservation Area'.*

* 1. The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. The National Planning Policy Framework also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and that where a development will lead to substantial harm or total loss of a designated heritage asset, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
  2. The significant scale, bulk, massing and close proximity of the dwelling to the boundaries when viewed from the frontage would impact on the sylvan and spacious setting of Sandy Lane and the special character of the adjacent Conservation Area. It would impact on views into and out of the Conservation Area and as such would have an impact on the setting of the Frith Wood Conservation Area. Therefore causing detrimental harm to the appearance and character of the Frith Wood Conservation Area. This would be contrary to Policy DM3 of the Development Management Policies LDD, the NPPF and The Planning (Listed Building & Conservation Areas) Act 1990.
  3. It is stated by the applicant that a significant reduction has been made the proposal from the previous application (16/1992/FUL) which was refused. The 2016 application proposed a width of 20.7m, maximum depth of 21.1m and a height of 10.95m from ground level as indicated on the front elevation. This proposal has a maximum width of 21m, maximum depth of 20.1m and a height of 9.9m from ground level as indicated on the front elevation. There have been other reductions in the crown roof and the amount of development to the rear of the property with the rear elevation being stepped and the first floor set in from the ground floor flanks to the rear part. However, it is considered that this does not overcome the original reasons for refusal. It is also noted that the applicant has submitted details of the scale of other development and their plots in the surrounding area. However the proposed development has been considered in light of the site circumstances specific to this individual site as to the impacts of the proposal.
  4. In summary, the proposed replacement dwelling by reason of siting, elevated position, excessive width, depth, height, and design including crown roof form, raised roof lantern and dormer windows would create an obtrusive and excessively prominent form of development which would be detrimental to the spacious and sylvan setting of Sandy Lane and the nearby Frith Wood Conservation Area. This would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the NPPF and The Planning (Listed Building & Conservation Areas) Act 1990.
  5. Impact to Neighbours
  6. 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 reflect the above guidance.
  7. Appendix 2 of the Development Management Policies LDD provides guidance on residential development and states the following with regard to overlooking:

*'All developments are expected to maintain acceptable standards or privacy for both new and existing residential buildings. The degree of overlooking and privacy inherent in a development will depend on density, layout, distances and angles between buildings, internal layout, positioning of windows, relative levels and to some extent, the presence of trees, hedges or other landscape features'*

* 1. In addition it sets out that 'distances between buildings should be sufficient so as to prevent overlooking particularly from upper floors. As an indicative figure, 28m should be achieved between the faces of single or two storey buildings backing onto each other'. As set out previously, the existing dwelling currently occupies a position to the north of the plot leaving significant spacing to the southern boundary of the site. In addition, it is noted that the existing dwelling is set significantly back on the plot relative to both adjacent neighbours. The relationship with Birchbank is such that the western elevation of the existing dwelling faces directly towards this neighbour's rear elevation. However, due to the design, there is only one window at ground and first floor level which faces towards this neighbour. The comparative block plan indicates that the proposed dwelling would be located on a similar forward building line to the existing dwelling. However, in contrast, the development would re-orientate the dwelling so that the principal elevation of the dwelling faces towards the highway (at present the main entrance to the dwelling is to the south). As a result, there would be a significant number of windows at ground and first floor which would have views into Birchbank's rear elevation and amenity space with the proposed dwelling set approximately 14m from the rear elevation of this neighbour. It is noted that although these would not face directly towards the rear elevation and the closest first floor window would serve an en-suite bathroom and is shown to be obscurely glazed, the relationship is such that due to the elevated nature and design of the dwelling including the vertical emphasis of the fenestration, that this would be detrimental to the residential amenities of this neighbouring dwelling and would result in both actual and perceived overlooking. Whilst it is acknowledged, that the existing dwelling has fenestration which faces towards this dwelling, there are only two existing windows and thus the impact would be significantly increased to an unacceptable degree by the design and siting of the proposed replacement dwelling.
  2. As a result of the increased width of the dwelling, the proposed replacement dwelling would be located in closer proximity to the boundary with Clarewood to the south. The scheme proposes a replacement dwelling with a ground floor depth of approximately 16.2m to the south flank at a minimum distance of approximately 36m from the rear corner of this neighbour, although the depth of the first floor would be reduced to 9.3m. Appendix 2 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 juxtapositions of properties, land levels and extensions on neighbouring properties'.*

* 1. While the dwelling would hit a 45 degree splay line taken from the boundary in line with the first floor rear elevation of this neighbour, the plans indicate that when a 45 degree line is taken from the first floor rear building line of Clarewood, that there would be no intrusion at 1st floor level from the corner of the neighbour, and the single storey extension projects deeper than the closest first floor section. Therefore this is considered to be acceptable as the dominance of the proposal has been reduced on Clarewood in regards of the 45 degree line, such that the proposal would not cause loss of light. However, it is still considered that due to the overall depth and height of the proposal this would still maintain a dominance of the amenity of the neighbouring property. Notwithstanding that it would be stepped with the deeper sections set in from the common boundary, the provision of a flank wall of 19.8m in depth and at a height of 9.9m would be an overbearing and unneighbourly form of development detrimental to the residential amenities of this neighbouring dwelling.
  2. Likewise, the plans also indicate that there would be a significant intrusion of the 45 degree line when taken from the boundary with the rear wall of Birchbank. The plans indicate that the front elevation at a width of approximately 7.5m would intrude the 45 degree line. Whilst it is noted that the existing dwelling is already set further back to the rear than this neighbour, again the excessive height, and increased bulk and massing is considered to result in an intrusive form of development. As such, the proposal is considered to represent an unneighbourly form of development contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
  3. With regard to fenestration detail, the plans indicate the provision of two first floor flank windows to either side of the dwelling, with the floor plan indicating that these would all serve bedrooms. The windows are secondary windows for the bedrooms, which are also served by rear glazing and are shown on the plans to be obscure glazed and high level windows and would not therefore cause unacceptable overlooking. No objection is raised to the fenestration detail in the flanks at ground floor level given these would be set in from the boundary.
  4. The rear elevation includes a significant glazing and large balcony at first floor level. Appendix 2 of the Development Management Policies LDD advises generally that a back to back distance of 28m should be retained to prevent overlooking to neighbours. The block plan indicates a distance of 36m would be retained to the rear boundary of the site which would be in accordance with the guidance. However, were the application considered to have been acceptable, amendments could have been sought to reduce the extent of glazing as this further adds to the prominent nature of the dwelling as a whole.
  5. Whilst the front elevation would appear more prominent relative to the existing dwelling, given the separation by the highway and the set back from the front boundary, it is not considered that the replacement dwelling would cause significant harm to neighbouring dwellings to the west.
  6. In summary, the proposed replacement dwelling by reason of its siting, excessive width, depth, height, design including fenestration, bulk and massing would create an excessive prominent, overbearing and obtrusive form of development and would result in a loss of light and loss of privacy to neighbouring dwellings. This would be to the detriment of the residential amenities of the neighbouring dwellings, contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
  7. Car Parking and access
  8. Appendix 5 of the Development Management Policies LDD requires a dwelling with four bedrooms or more to have three off street car parking spaces. There is a large driveway to the front of the dwelling and in addition the existing garage would be retained. As such, the proposal would meet the requirements of Appendix 5 of the Development Management Policies LDD. While comments have been received raising concern over impacts from construction traffic a condition on any consent would require a Construction Management Plan to ensure there would not be unacceptable impacts.
  9. Trees and Landscaping
  10. The Landscape Officer notes that the location of the site is on the edge of the Frith Wood Conservation Area and there are many individual and group tree preservation orders. A tree report has been submitted which has also been carried out to the standard of British Standard 5837: 2012 Trees in relation to design, demolition and construction-Recommendations.
  11. The Landscape Officer has reviewed the proposal and no objection is raised to the submitted application so long as the development is undertaken in accordance with the submitted details. While a condition to require no felling or lopping is requested, given the protection of trees on the site this would not be necessary.
  12. Biodiversity
  13. The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. Development must also satisfy the three tests as outlined in the Habitat Regulations. These are as follows:
* There are no feasible alternative solutions to the plan or project which are less damaging
* There are imperative reasons of overriding public interest for the plan or project to proceed
* Compensatory measures are secured to ensure that the overall coherence of the network of European sites is maintained.
  1. Comments have been received from Herts and Middlesex Wildlife Trust stating that the initially submitted survey is not consistent with the BCT guidelines and does not satisfactorily discount the presence of bats and therefore the application should not be approved before this information is provided.
  2. During the course of the application, additional survey information has been provided and Hertfordshire Ecology have advised that there is no evidence of bats, but an informative is suggested if the application is approved, to advise if there are bats found what to do.
  3. As such, the development would not result in unacceptable impacts on biodiversity or protected species.
  4. Sustainability
  5. Policy CP1 of the Core Strategy (adopted October 2011) requires all applications for new residential development of one unit or more to submit an Energy Statement demonstrating the extent to which sustainability principles have been incorporated into the location, design, construction and future use of proposals and the expected carbon emissions.
  6. Policy DM4 of the Development Management Policies LDD states that from 2016, applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the Government is yet to provide a definition for zero carbon and the Council is therefore continuing to apply the 2013 requirements, i.e. applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.
  7. An Energy Statement has been submitted which concludes that the dwelling would achieve a 5% reduction in CO2 required by Policy DM4 of the Development Management Policies LDD. The Energy Statement notes the use of energy saving technologies and in addition the use of Solar PV panels. However, the submitted elevations do not illustrate the location of the panels. As such, were the application considered acceptable, a condition would be added requiring elevations and details to be submitted prior to the commencement of development.
  8. Infrastructure Contributions
  9. Policy CP8 of the Core Strategy requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) was adopted in February 2015 and came into force on 1 April 2015. CIL is therefore applicable to this scheme. The Charging Schedule sets out that the application site is within 'Area A' within which the charge per sq.m of residential development is £180.

1. **Recommendation**

That PERMISSION BE REFUSED for the following reasons:

R1: The proposed replacement dwelling by reason of siting, elevated position, excessive width, depth, height, and design including crown roof form, raised roof lantern and front dormer windows would create an obtrusive and excessively prominent form of development which would be detrimental to the spacious and sylvan setting of Sandy Lane and the nearby Frith Wood Conservation Area, therefore harming the appearance and character of the nearby Conservation Area. The development would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, Appendix 2 of the Development Management Policies LDD (adopted July 2013) the NPPF and The Planning (Listed Building & Conservation Areas) Act 1990..

R2: The proposed replacement dwelling by reason of its siting, excessive width, depth, height, bulk, massing and design including fenestration would create an excessively prominent, overbearing and obtrusive form of development resulting in a loss of residential amenity and loss of privacy to neighbouring dwellings. This would be to the detriment of the neighbours’ enjoyment of their private residential amenities, contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

Informatives

I1 The Local Planning Authority has been positive and proactive in considering 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 encourages applicants to have pre-application discussions as advocated in paragraph 188 of the NPPF. The applicant did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.