**9. 17/1542/FUL – Single storey rear extension, alterations to fenestration, conversion of garage into habitable accommodation and extension to raised patio to rear at 66 Wolsey Road, Moor Park, HA6 2EH for Mr Rajiv Khanna**

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| Parish: Batchworth Community Council | Ward: Moor Park and Eastbury |
| Expiry Statutory Period: 14.09.2017 | Officer: Scott Volker |
| Recommendation: That Planning Permission be granted | |
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| Reason for consideration by the Committee: The application has been brought before the Planning Committee at the request of three Planning Committee Members. | |

1 **Relevant Planning History**

1.1 05/0958/FUL & 05/0959/CAC - Demolition and erection of replacement dwelling – Permitted September 2009 and implemented.

2. **Detailed Description of Application Site**

2.1 The application site is located on the western side of Wolsey Road within the Moor Park Conservation Area. Wolsey Road is a residential street characterised by detached dwellings of various styles and designs sited on large plots. The application site comprises a large detached two-storey dwellinghouse with an integral garage.

2.2 The application site is rectangular is shape and measures approximately 22 metres in width and 75 metres in depth. The dwelling is set back approximately 11 metres from the highway; to the front of the dwelling is a carriage driveway providing off-street parking for several vehicles. In the centre of the carriage driveway there is an existing area laid to lawn.

2.3To the rear, the dwelling has a two storey hipped rear projection with two single storey crown roof elements either side. There is an existing patio area that abuts the rear elevation of the dwelling and steps down into the rear garden. The garden measures approximately 1200sq. metres enclosed by timber fencing and hedging. There are a number of trees located to the rear of the site which are afforded protection by the Conservation Area designation.

3. **Detailed Description of Proposed Development**

3.1 Full planning permission is sought for the construction of a single storey rear extension, alterations to fenestration, conversion of the integral garage into habitable accommodation and extension to the raised patio at the rear.

3.2 The proposed rear extension would extend on from the two storey rear projection and have a depth of 4 metres. It would have a width of 8.1 metres and would have flat roof form measuring 3.2 metres in height. A roof lantern is proposed within the flat roof which would project 0.3 metres from the roof. The extension would contain a set of double doors and side windows within each flank and a set of bi-folding doors within the rear elevation. The extension would have a bricked exterior to match the host dwelling.

3.3 The existing raised patio would be extended to wrap around the proposed rear extension and would extend to a depth of 2.4 metres from the rear elevation of the extension before stepping down into the garden.

3.4 The existing garage would be converted into a new bedroom with an ensuite bathroom. The existing garage door would remain but a new side door and glazing would be inserted within the south flank elevation of the dwelling to serve the converted garage.

3.5 Amended plans have been received during the course of the application to reduce the depth of the extension by 1 metre and to reduce the height by 0.4 metres. A garden room was also removed from the scheme and the extent of patio proposed has been reduced.

4. **Consultation**

4.1 **Statutory Consultation**

4.2 Batchworth Community Council

4.2.1 No comments received.

4.3 Conservation Officer

4.3.1 Initial objection. Welcomed the amendments but remained concerned with the flat roof.

4.3.2 The application dwelling is located within the Moor Park Conservation Area. The Conservation Area has a special visual quality created by large houses situated on individual plots along wide streets with high quality landscaping. The proposed extension will be to the rear the rear of the property and not widely visible from the public realm, this will reduce its impact on the character and appearance of the Conservation Area. Consideration still needs to be given to the proposal's effect on the plot as a whole. The Moor Park Conservation Area Appraisal states that buildings should not cover more than 15% of the plot area. The proposal will result in a plot coverage of over 18%, and as such fails to meet the requirement set out in the appraisal.

The Moor Park Conservation Area Appraisal goes on to state that flat roofs reflect a form not in keeping with the traditional design of houses in Moor Park, and are therefore unacceptable. The extension includes a flat roof and this is contrary to the Moor Park Conservation Area Appraisal.

Although the extension is not excessive in scale, it will still result in an overall plot coverage of over 15%, and has a flat roof included in its design. These will have an adverse impact on the character and appearance of the host dwelling and wider Conservation Area, and as such the proposal fails to meet the criteria set out in Policy DM3 of the Development Management Policies Local Development Document (2013).

4.3.3 Following receipt of amended plans, the Conservation Officer was re-consulted and provided further comments:

4.3.4 The amendments are considered an improvement to the proposal. The reduced plot coverage is welcomed, as is the reduction in the amount of flat roof. However, the use of flat roof is still not considered in keeping with the traditional design of houses in Moor Park, and is contrary to the Moor Park Conservation Area Appraisal.

4.4 Moor Park 1958 Ltd.

4.4.1 Objection

4.4.2 The Directors of Moor Park (1958) Limited would wish to raise the following **strong objections**, concerns and comments on the application proposals as follows:-

1. Para 3.4 of the Moor Park Conservation Area Appraisal (MPCAA) states that "*buildings, including all outbuildings, should not cover more than 15% of the plot area*...".

From the information submitted with the application it is stated that the plot coverage of the proposed extended dwelling will be 18.1%; compared to the maximum figure of 15% plot coverage stated in para 3.4 of the MPCAA. This is from the existing stated plot coverage of 15.11%.

This extent of plot coverage (18.1%) is considered entirely unacceptable in planning terms, especially as the extension projects a clear 5 metres further into the rear garden area (from the rear wall of the existing substantial property), on the basis of the adverse and detrimental impact such a form of extended development would have on the openness and character of the plot within its Conservation Area setting.

Furthermore, the proposal also incorporates a large raised patio area (of approx 5m x 8m) to the rear of proposed extension which, in our opinion, further adds to the overall extent and nature of the built-up and urbanising effect this proposal would have upon the character of the application site.

Consequently, we wish to register a **strong objection** to the overall ‘built’ development on the plot on the grounds that the total built development set out in the application, by virtue of the extended dwelling and large raised patio, would create of plot coverage of approximately **20.5%.** In our opinion, this is excessive and the resultant adverse impact on the openness of the plot would fundamentally fail to preserve or enhance the character and appearance of the Conservation Area.

This concern is raised in the interests of maintaining and preserving one of the key aspects that defines the character and appearance of the Moor Park Conservation Area in terms of the openness and the generally low level of built development on individual plots.

Finally on this point, if there is a likelihood of *any* over-ridding of the 15% maximum plot coverage as part of the determination of the proposed development, then we would seek the Council to apply a relevant planning condition to remove residential permitted development rights for all future development at the site, in the interests of protecting the site from development that would otherwise result in an even greater extent of plot coverage and associated loss of openness.

2. Paragraph 3.6 of the approved MPCAA that clearly states:- "*Flat roofs.........reflect a form not in keeping with the traditional design of houses in Moor Park , and are therefore unacceptable"*.

The proposed (main) rear extension shows a flat roof finish on an extension that projects a total of some 5metres in depth (from the rear wall of the existing house) and with a width of approximately 8 metres.

Given the clarity of the advice in para 3.6 of the approved MPCAA, we consider that the proposed flat roof rear extension is entirely out of keeping with the established design of roofs on the Moor Park estate and should not be supported.

Para 3.6 clearly seeks to preserve and enhance the character and appearance of the Conservation Area by precluding roof designs in new developments that are out of keeping with the prevailing character of roofs within the Conservation Area and we are strongly of the view that this high standard of design must be vigorously applied irrespective of the location of the extended roof at the subject property.

Consequently, we wish to express our objections and concernsin this respect and request that the provisions of para 3.6 of the MPCAA should be fully applied in the Council's assessment and determination of the application.

4.5 British Pipeline Agency

4.5.1 No objection

4.5.2 We are not aware that any of BPA Pipelines apparatus, falls within the vicinity of the above noted location. However, if the location of your work should change, please complete a new Linesearch enquiry immediately, using [www.linesearch.org](http://www.linesearch.org).

Whilst we try to ensure the information we provide is accurate, the information is provided without prejudice and we accept no liability for claims arising from any inaccuracy, omissions or errors contained herein.

4.6 National Grid

4.6.1 No comments received.

5. **Neighbour Consultation**

* 1. Site Notice: Site notice posted 02 August 2017 and expired 23 August 2017.

Press Notice: Published 04 August 2017 and expired 25 August 2017

5.1.1 Neighbours consulted: 8

5.1.2 Number of responses: 0

5.1.3 Summary of Responses: Not applicable.

6. **Reason for Delay**

6.1 None.

7. **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

7.1.1 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.

7.2 The Three Rivers Local Plan Core Strategy:

7.2.1 The Core Strategy was adopted by the Council on 17 October 2011. Relevant Policies include: CP1, CP9, CP10 and CP12.

7.3 Development Management Policies LDD:

7.3.1 The Development Management Policies LDD was adopted on 26 July 2013 having been through a full public participation process and Examination in Public. Relevant policies include: DM1, DM3, DM6 and DM13 and Appendices 2 and 5.

7.4 Moor Park Conservation Area Appraisal (October 2006).

7.4.1 The Moor Park Conservation Area Appraisal was approved by the Executive Committee of the Council on the 27th November 2006 as a material planning consideration in the determination of planning applications and as a basis for developing initiatives to preserve and/or enhance the Moor Park Conservation Area. The Appraisal was subject to public consultation between July and October 2006 and highlights the special architectural and historic interest that justifies the designation and subsequent protection of the Conservation Area.

7.5 Other

7.5.1 The following Acts and legislation are also relevant: The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 Habitat Regulations 1994, the Localism Act 2011 and the Growth and Infrastructure Act 2013.

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

8. **Analysis**

8.1 Character Design & Impact on Street Scene & Conservation Area

8.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 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' and 'conserve and enhance natural and heritage assets'. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment. The Design Criteria states that single storey rear extensions to detached dwellings should generally have a maximum depth of 4 metres. This distance may be reduced if the extension is unduly prominent.

8.1.2 As the site is located within the Moor Park Conservation Area, Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.

8.1.3 The Moor Park Conservation Area Appraisal (2006) provides supplementary planning guidance and is a material planning consideration in the assessment of applications within the Moor Park Conservation Area.

8.1.4 In order to maintain the spacious open character of the estate and to avoid overdevelopment, the Moor Park Conservation Area Appraisal sets the following guidance which dwellings in the Moor Park area should adhere to:

* Maximum building line width of 80% at the front building line.
* Maximum plot coverage of 15%.
* Minimum 1.5 metre gap maintained between dwellings and flank boundaries.

8.1.5 The Moor Park Conservation Area Appraisal also states that flat roofs or flat sections to a pitched roof (e.g. truncating a roof with an artificial ridge surrounding an area of roof) reflect a form not in keeping with the traditional design of houses in Moor Park, and are therefore unacceptable.

8.1.6 The single storey rear extension would be centrally positioned within the rear elevation, set off both flank boundaries and would therefore not affect the building line width or flank boundary spacing.

8.1.7 With regards to plot coverage, the existing building has a plot coverage of approximately 15.11% and the proposed building with the extension would result in approximately 16.8% coverage.

8.1.8 It is noted that Moor Park 1958 Ltd. refer also to the patio which, if included, would result in existing and proposed figures of 24% and 27%. However, the Moor Park Conservation Area Appraisal refers to buildings (including all outbuildings) and does not refer to patios.

8.1.9 In any case, at 16.8% the proposed extension would result in a plot coverage in excess of the 15% guidance. The purpose of the guidance is to prevent overdevelopment and to maintain the open and spacious character of the Conservation Area. The extension would have a depth of 4 metres which accords with the guidance set out in Appendix 2. It would be set off both boundaries such that it would not be visible from the street scene. The extension and patio would not project beyond the rear of the existing decked area to be removed as part of the proposal and a large rear garden would be retained. It is therefore not considered that the extension and patio area as amended would have a significant adverse effect on the open and spacious character and appearance of the Moor Park Conservation Area.

8.1.10 The comments from Moor Park 1958 Ltd. and the Conservation Officer regarding the flat roof are noted. The height and extent of roof has been reduced and it is also noted that there are existing single storey crown roofs located either side of the two-storey hipped rear projection. It is therefore not considered that the flat roof which would not be visible from the Wolsey Road would result in demonstrable harm to the character or appearance of the Conservation Area so as to justify refusal of planning permission.

8.1.11 The proposed conversion of the garage to a habitable room would not alter the appearance of the principal elevation of the application dwelling and the glazing and new door within the south flank elevation would not be readily visible from the street scene. As such, it is not considered that either of these elements of the scheme would result in any harm to the character and appearance of the host dwelling, street scene or wider Conservation Area.

8.1.12 It is therefore not considered, subject to conditions, that the proposed development as amended would have an adverse impact on the character or appearance of the host dwelling, street scene or the Moor Park Conservation Area and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD and the Moor Park Conservation Area Appraisal (2006).

8.1.13 The comments from Moor Park 1958 Ltd. regarding removal of Permitted Development Rights are noted; however Permitted Development Rights have been removed by Condition 10 of planning permission 05/0958/FUL and therefore it is not considered necessary to repeat such a condition.

8.2 Impact on Residential Amenity

8.2.1 Policy CP12 of the Core Strategy states 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.

8.2.2 The Design Criteria at Appendix 2 of the Development Management Policies document states that extensions should not be excessively prominent in relation to adjacent properties and not result in loss of light to the windows of neighbouring properties nor allow overlooking. The Design Criteria states that single storey rear extensions to detached dwellings should generally have a maximum depth of 4 metres however this distance should be reduced if the extension would adversely affect neighbouring properties.

8.2.3 The proposed rear extension would have a depth of 4 metres which would accord with the guidance detailed above. Furthermore, the extension would be single storey and set in from both flank boundaries by 7-8.5 metres. As such, it is not considered that the proposed rear extension would result in any loss of light or become an overbearing form of development towards either No. 64 or 68 Wolsey Road. The rear extension would contain glazing within the flank elevations facing towards No.64 and 68; however there is existing evergreen hedging, close boarded timber fencing and vegetation which enclose the application site and would provide sufficient screening to prevent any overlooking towards neighbouring amenity. This screening would also prevent any overlooking from the extended patio area.

8.2.4 The proposed garage conversion would not result in an increase in built form but would result in the inclusion of glazing within the south flank elevation facing towards No.68 Wolsey Road which would serve a habitable room. The Design Criteria state that ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge. In this case, there is a close boarded timber fence along this part of the shared boundary between the application site and No.68 which would provide satisfactory screening to prevent any overlooking towards this neighbour.

8.2.5 As such, it is not considered that the proposed development would result in a significant adverse impact on neighbouring amenity and the development would be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.3 Parking/Access/Highways

8.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District. The Parking Standards set out that a dwelling containing four or more bedrooms should provide three off-street parking spaces.

8.3.2 Whilst the proposed development would result in the loss of the existing integral garage and the creation of an additional bedroom. The application site benefits from a large carriage driveway which can accommodate at least six vehicles. As such, it is considered that the sufficient off-street parking would be retained to serve the application dwelling.

8.4 Amenity Space

8.4.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

8.4.2 The application dwelling is set in a substantial plot which would exceed the policy requirement; ensuring sufficient amenity space was retained for current and future occupiers.

8.5 Wildlife & Biodiversity

8.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

8.5.2 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. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.

8.6 Trees

8.6.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value. Policy DM6 further states that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.

8.6.2 The application site is located within the Moor Park Conservation Area and as such all trees are afforded a degree of protection by virtue of the Conservation Area status. However, the proposed development would not result in the loss of any existing trees within or around the site.

8.7 Use

8.7.1 The proposed garage conversion would create a new bedroom and ensuite bathroom which would benefit from a separate external side access; however it would also be accessible internally through the main dwelling and would share the main kitchen with the dwelling and would therefore not be considered to be solely independent from the main dwelling.

9. **Recommendation**

9.1 That PLANNING PERMISSION BE GRANTEDsubject to the following conditions: -

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 220/P/1C, 220/P/2, 220/P/3E, 220/P/4 and Arboricultural Impact Assessment REV-A July 2017.

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Moor Park 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 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.

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

9.1.2 **Informatives:-**

I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £97 per request (or £28 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

I2 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.

I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.