

PLANNING COMMITTEE - 19 JANUARY 2023

PART I - DELEGATED

8. **22/1974/FUL- Demolition of existing single storey side extension construction of loft conversion including roof extensions and rear and side dormers and front and side rooflights; internal alterations and alterations to fenestration at MERRY DOWN, COMMONWOOD, SARRATT, HERTFORDSHIRE, WD4 9BA**

Parish: Sarratt Parish Council

Ward: Chorleywood North and Sarratt

Expiry of Statutory Period: 05.01.2023 (Extension agreed to 27.01.2023) Case Officer: Lilly Varnham

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: The agent for this application is a Three Rivers District Councillor.

1 Relevant Planning History

- 1.1 W/244/55 – Outline application for dwelling - Permitted
- 1.2 W/1935/67 – Extension – Permitted
- 1.3 8/512/86 – Laundry Room – Permitted

2 Description of Application Site

- 2.1 The application site contains a two storey detached dwelling on Commonwood, Sarratt and is located within the Metropolitan Green Belt. The application dwelling has a dark tiled hipped roof form, and a mix of brown and red brick to its elevations. The dwelling has been previously extended.
- 2.2 The dwelling is positioned in the North East corner of the plot, occupying an L shaped footprint, with its amenity space forward and to the west of the dwelling, wrapping around the rear. The amenity garden is predominantly laid as lawn with a formal paved patio forward of its south elevation. The rear also benefits from a tennis court, and a large detached shed outbuilding sited east of the dwelling. The application site has an existing access off Commonwood and a gravelled driveway with off street parking provision for four vehicles. There is a large mature tree sited west of the application dwelling and a number of large trees within the applications sites frontage south of the dwelling, however these are not protected by a Tree Preservation Order.
- 2.3 The application site is located within a private road accessible via Commonwood and forms part of a cul-de-sac development built in the 1950's and would appear to consist of 4 detached dwellings.

3 Description of Proposed Development

- 3.1 The application seeks full planning permission for demolition of existing single storey side extension and construction of loft conversion including roof extensions and rear and side dormers and front and side rooflights; internal alterations and alterations to fenestration.
- 3.2 The three proposed dormers would be sited on the southern and western roofslopes of the host dwelling. The proposed dormers have varying dimensions and for the purposes of calculating these will be split into separate volumes as detailed below.
- 3.3 The proposed dormer A, sited on the proposed south elevation of the dwelling with two single casement windows would have a depth of approximately 2.04m, and an overall width

of 3.76m. The proposed dormer would have a flat roof form with an overall height of 2.16m and an eaves height of 2m (taken from the bottom of the eaves).

- 3.4 The proposed dormer B, sited on the proposed south elevation of the dwelling would have two two-casement windows and would have an overall depth of 2.04m, and a width of 4.05m. The proposed dormer would also have a flat roof form and an overall height of 2.16m, with an eaves of 2m (taken from the bottom of the eaves).
- 3.5 The proposed dormer C, sited on the proposed west elevation of the dwelling would have two single casement windows, and a depth of approximately 1.86m, and a width of approximately 3.22m. It would have a flat roof form with an overall height of 2.16m and an eaves height of 2m (taken from the bottom of the eaves).
- 3.6 The development is also proposing an infill to the roof space on the east and west elevation of the dwelling, raising the ridge on lower eastern element of the roofslope be raised to the height of the existing roof resulting in the creation of a crown roof form. The proposed crown roof would have a depth of approximately 2.53m and a width of 3.4m.
- 3.7 The proposal also includes alterations to fenestration, with the ground floor window on the west elevation replaced with a set of patio doors. In addition to this it is noted that the existing single storey side extension to the south elevation is proposed to be removed as part of the proposal. With two sets of bifold doors, one inserted into the recessed element of the west elevation, and the other proposed to the south elevation and an additional set of patio doors to the south elevation is proposed (as shown on the proposed ground floor plan), replacing existing fenestration. It is however noted that the proposed south elevation is showing a five casement window, where the proposed ground floor plan is illustrating a set of patio doors.
- 3.8 Further alterations to fenestration are proposed including removing the central first floor window to the east elevation, removal of the ground floor window of the single storey projection to the east elevation and removal of the ground floor window of the single storey projection to the north elevation of the dwelling infilling with brick to match the application dwelling.
- 3.9 The proposed elevations show four rooflights are proposed within the north roofslope, however it is noted that the corresponding roof plan shows five rooflights. The elevations show two rooflights proposed in the east roofslope of the dwelling. The roof plan shows one rooflight to be inserted in the south roofslope, however this is not shown on the proposed south elevation.
- 3.10 Amended plans were sought throughout the course of the application to make reductions to the size, scale and number of the proposed rear dormers, and omit the additional access and alterations to the driveway from the proposal.

4 Consultation

4.1 Statutory Consultation

4.1.1 Sarratt Parish Council: [No objection]

No objection on the basis this application does not affect the openness of Green Belt. We note the potential overlooking concerns of the neighbouring property and this would need to be clarified to ensure there are no issues. We strongly encourage the applicant to take the opportunity to increase the energy efficiency of the building beyond the required current building regulations as part of this process as well as design for renewable energy and water conservation options.

4.1.2 National Grid: [No Comments Received]

4.1.3 Hertfordshire County Council – Highway Authority [No objections]

Recommendation Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Comments/Analysis

It is noted that the route on which the proposed new access is located, is a private driveway and therefore, HCC Highways cannot implement any policies or maintenance, so these comments are made in an advisory capacity only.

Description of Proposal

Loft conversion, new vehicular access and gate with extension of driveway; internal alterations and alterations to fenestration.

Site and Surroundings

The site is accessed via a private driveway which is not highway maintainable at public expense. Quickmoor Lane is the closest highway maintainable route and is an unclassified local access road subject to a 60mph speed limit. The site is located in a small rural residential area approximately 1km to the north of Sarratt.

Access and Parking

The application proposes to create an additional vehicular access into the site via the private drive. Due to the proposed access being on a private route and not crossing over a footway,

HCC policies cannot be applied, this includes the Hertfordshire County Council Residential Dropped Kerbs Terms and Conditions, and works will not be carried out via agreements with the Highway Authority. If this application was located on a highway maintainable route, it would not be considered acceptable due to the unnecessary secondary access however, as the route is not highway, HCC does not wish to object to the proposed access. The proposed alterations to the dwelling do not impact upon the visibility from the accesses as the landscaping around the accesses shall remain the same. A gate is mentioned in the Design and Access Statement, if the access were to be located on the highway, then the gate would be expected to be set back a minimum of 5.5m to ensure that vehicles waiting for gates to open do not sit within the highway. But as vehicles waiting for these gates to open would most likely be waiting off the highway, on the private route, then these gates would not cause any concerns to highway safety. There have not been any collisions in close proximity of the access within the last 5 years.

Ultimately the LPA will have to be satisfied with the parking provision, but HCC would like to comment that the parking at the site is to be increased to up to 5 spaces according to the Application Form, although drawing number 2295-SK-115A shows 6 spaces. Cycle parking has not been mentioned but it is assumed that the provision shall not be changed and is most likely available within the private garden of the dwelling.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the nearby highway and therefore, has no objections on highway grounds to this application. HCC does not have the ability to implement policies in the location of the new access, so these comments are provided in an advisory capacity only.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 5 No of responses received: 2

4.2.2 Site Notice: Posted 18/11/2022, expires 09/12/2022

4.2.3 Press notice: [Not Required]

4.2.4 Summary of Responses:

- Not initially consulted
- Layout of properties not uniform and boundaries not obvious
- Plans do not have measurements
- Velux rooflights positioned high in the roofline overlooking garden and bungalow
- Inconsistencies with drawings – rooflights labelled “tiles to match existing”
- Proposed north elevation shows 4 rooflights, proposed roof plan shows 3, as does the proposed second floor plan
- No dimensions given for rooflights or height they will be installed at
- Concerned if rooflights or windows were positioned lower in roofline than indicated as this would result in overlooking and adverse impact on our property
- Additional traffic
- Overshadowing
- Huge project
- Want confirmation that rooflights facing garden do not develop into windows to allow for overlooking
- Feel strongly that rooflights should be positioned high in the roofline as drawn
- Anxious that once development is complete it will remain a domestic dwelling and that no “change of use” to any aspect of the property is anticipated – impact traffic.

5 Reason for Delay

5.1 Delay caused by committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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).

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.

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 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 retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

The Three Rivers Local Development Plan

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

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10, CP11 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, DM2, DM6, DM13 and Appendices 2 and 5.

Other

Supplementary Planning Guidance No 3 – Extensions to Dwellings in the Green Belt (August 2003).

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

7.1.1 Impact on Metropolitan Green Belt

7.1.2 The site is located within the Metropolitan Green Belt. Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The essential characteristics of Green Belts are their openness and their permanence. In relation to extensions to buildings in the Green Belt, the NPPF stipulates that provided the extension or alteration of a building does not result in a disproportionate addition over and above the size of the original building it would not be inappropriate. Inappropriate development is, by definition, harmful to the Green Belt.

7.1.3 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.

7.1.4 Policy DM2 of the Development Management Policies LDD (adopted July 2013) relates to development within the Green Belt and sets out that extensions to buildings in the Green Belt that are disproportionate in size (individually or cumulatively) to the original building will not be permitted. The buildings proximity and relationship to other buildings and whether it is already, or would become, prominent in the setting and whether it preserves the openness of the Green Belt will be taken into account.

7.1.5 The 'Extensions to Dwellings in the Green Belt Supplementary Planning Guidance' provided further explanation of the interpretation of the Green Belt Policies of the Three Rivers Local Plan 1996-2011. These policies have now been supersede by Policy DM2 of the Development Management Policies LDD. Nevertheless, the SPG provides useful guidance and paragraph 4.5 of the Development Management Policies LDD advises that the guidance will be taken into account in the consideration of householder developments in the Green Belt until it is incorporated into the forthcoming Design Supplementary Planning Document. As a guide, the SPG advises that extensions resulting in a cumulative increase in floor space of more than 40% compared with the original dwelling may be disproportionate.

7.1.6 Green Belt Calculations

Original Floor Space – 200.9sqm

Floor Space of Existing Extensions – 177.75sqm

Floor Space of Proposed Extension – 9.49sqm (proposed dormers)

Floor Space including Existing and Proposed Extensions – 187.24sqm.

7.1.7 The proposed extensions would result in a cumulative increase of approximately 93% over the original dwelling. However it is noted that the proposal would seek to utilise the existing second floor space to the dwelling, which currently has no staircase and is accessed via a ladder as outlined in the submitted design and access statement and would convert the existing loft space to habitable accommodation through the provision of three rear dormers and the roof extension. Apart from the alterations to the loft space there would not be an increase in floor area or footprint as no other external alterations are proposed. The roof space is currently existing and has been identified on the plans as serving an existing hobby/storage room, however, as noted there is no staircase that currently provides access to this space, and it is accessed from the first floor via a ladder and as such it is concluded that it is not currently utilised for habitable accommodation. Including the proposed rear dormers the proposal would result in a cumulative increase of approximately 93% to the

original floor space. Therefore, the proposed extension would be in excess of the guidance figure of 40% that is considered to be acceptable within the Metropolitan Green Belt. The requirements of the SPG considers extensions resulting in an increase in floorspace when taken into account the previous extensions and would therefore represent a disproportionate addition to the original dwelling and the development is therefore inappropriate by definition.

- 7.1.8 In addition to harm by virtue of inappropriateness, it is necessary to consider whether there would be actual harm to the visual amenity and openness of the Green Belt. The proposed development would add significant increased bulk and massing to the south and west elevation of the existing dwelling and by virtue of the proposed rear dormers which are not considered to be subordinate additions given their scale and therefore it is considered that these additions would result in harm to the openness of the Green Belt.
- 7.1.9 In addition to the above, it is noted that the SPG3 sets out exceptions to inappropriate development and this includes dormer windows. With regard to dormer windows the Green Belt SPG3 advises that *'dormer windows proportionate to the existing building, and with glazing covering the full frontage other than side framing, will not normally be viewed as adversely affecting the openness of the Green Belt.'* The SPG3 goes on to highlight that *'Extensions resulting in a cumulative increase in floorspace of over 40% compared with the original dwelling will normally be unacceptable with the following exceptions (i) dormer windows satisfying 10(c) above'*. However, in this case, the proposed rear and side dormers would not be considered as subordinate additions or proportionate to the existing dwelling and despite reductions it is considered that they would dominate the south and west roofslope of the dwelling due to the extensive scale. The proposed dormers would be excessively wide, one with double casement windows, which further exacerbate their width. In light of the above assessment, it is not considered that the proposed dormers would be subordinate to the host roof and would adversely affect the openness of the Green Belt. As such, it is not considered that the proposed rear dormers would meet the requirements of an 'exception' as set out in SPG3.
- 7.1.10 The submitted drawings show the removal of the existing single storey side extension, which has an individual area of approximately 6.65sqm. Assuming that it is removed, the percentage increase in floor space would be decreased to 90%. Where the proposal was otherwise acceptable the removal of the single storey side extension could be conditioned. However, in any event, given that the single storey side extension is totally separate from the proposed loft conversion including roof extensions and rear and side dormers, its removal does not make the proposed dormers acceptable.
- 7.1.11 The proposed roof extension is not considered to substantially increase the bulk and mass of the dwelling given its infill nature between the east and west elevation and thus is not considered to result in an impact on the openness of the Metropolitan Green Belt.
- 7.1.12 The proposed alterations to fenestration and internal alterations to the dwelling are not considered to impact the openness of the Metropolitan Green Belt.
- 7.1.13 In summary the proposed loft conversion including rear and side dormer windows would be inappropriate by definition and would result in actual harm to the visual amenity and openness of the Green Belt and would therefore be contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (2013) and the NPPF (2021).
- 7.2 Design and Impact on Character and Appearance of the host dwelling and wider streetscene
- 7.2.1 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy 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 document set out that development should not have a significant impact on the visual amenities of an area.

- 7.2.2 Appendix 2 of the Development Management Policies LDD sets out that dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall. The roof form should respect the character of the house if possible and that multiple dormers should be proportionate in scale and number to the host roof. Appendix 2 also outlines that crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured.
- 7.2.3 In this case, the proposed side and rear dormer windows would not be considered as subordinate or proportionate additions given their excessive scale and width, and would be considered to individually and cumulatively dominate the rear and side roofslopes to an unacceptable degree. The width of the proposed dormers are further exacerbated by the large fenestrations, notably the two casement dormer window. Given their prominent location on the south and west roofslope of the host dwelling they would be readily visible from the private access road that the application dwelling is accessed from, and therefore readily visible from the immediate streetscene and neighbouring dwellings. During the course of the application, amended plans were requested with reductions to the proposed dormers. The reductions within the amended plans are noted however as amended they are not considered to represent proportionate additions to the host dwelling. As such the proposed loft conversion including side and rear dormer windows is considered to result in demonstrable harm to the character of the host dwelling and streetscene by virtue of their excessive bulk and scale.
- 7.2.4 The proposed development includes a roof extension infilling the existing roof space between the east and west roofslope of the dwelling, raising the ridge on a lower subordinate eastern element of the roofslope to match the height of the existing ridge line resulting in the creation of a crown roof form. As outlined in Appendix 2 of the DMP LDD crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing and as such are generally discouraged. In this case there are no examples of crown roof forms within the immediate streetscene, however the proposed crown roof is considered to infill the existing space between the two roof slopes and it is not considered to be excessive in terms of its width and depth such that it would exacerbate the depth of the dwelling. Whilst this portion of the roofslope would be readily visible from the streetscene it is not considered that the roof extension would be perceived as an overly prominent form of development. As such it is not considered that this element in isolation would result in any demonstrable harm to the character of the host dwelling or wider streetscene. This does not however in itself overcome concerns regarding the proposed loft conversion including side and rear dormers.
- 7.2.5 The proposal includes the removal of the existing single storey side extension from the south elevation of the dwelling. No replacement is proposed in this location and thus it is not considered that this would result in any harm to the character of the dwelling or wider streetscene.
- 7.2.6 The proposed alterations to existing fenestrations including new bifold/patio doors to the south and west elevation at ground floor level are considered to reflect the style and appearance of the existing fenestrations on the application dwelling and thus are not considered to result in any demonstrable harm to the character of the host dwelling or wider streetscene. However, as highlighted above discrepancies between the proposed elevations and floor plans are noted regarding the alterations to fenestrations.

7.2.7 The proposed rooflights to the north and east roof slopes and the proposed internal alterations are not considered to result in any harm to the character of the host dwelling or wider streetscene.

7.2.8 In light of the above assessment, whilst some elements of the proposed development are not considered to result in any harm to the character of the dwelling or wider streetscene, that in itself does not overcome the harm to character resulting from the proposed side and rear dormers and as such the proposed loft conversion including rear and side dormers is considered contrary 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).

7.3 Impact on amenity of neighbours

7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space' and Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.

7.3.2 Given the orientation of the application dwelling, the neighbouring dwellings are not uniform in terms of their location and a number of neighbouring dwellings surround the application dwelling. The proposed loft conversion, including side and rear dormers are sited on the south and west roof slopes of the application dwelling. The neighbour to the south of the application site is Long Roofs and is positioned some 30m from the application dwelling. The proposed rear dormers on the south roof slope of the host dwelling would face the boundary with this neighbour at Long Roofs, this neighbouring dwelling is separated from the application dwelling by the private access road off Commonwood. Whilst it is noted that the proposed dormers are a relatively large addition to the host roofslope, and the windows would face the boundary with this neighbour, given the separation distances that would be maintained it is not considered that the proposed dormers would result in any demonstrable harm to the occupiers of this neighbouring dwelling.

7.3.3 The neighbour to the West of the application dwelling is Manesty, this neighbouring dwelling is set some 30m from the application dwelling. This neighbouring dwelling is angled away from the application dwelling, and given the separation that would be maintained to the boundary it is not considered that the proposed loft conversion including side and rear dormers would result in any demonstrable harm to the residential amenity of the occupiers of this neighbouring dwelling.

7.3.4 The dwelling to the North is The Hollies, this neighbouring dwelling is set some 50m from the application dwelling, whilst it appears that there is an existing access adjacent to the vehicular access of the application dwelling that provides access to the rear garden of The Hollies which adjoins the application site. The proposed side and rear dormers are sited on the southern roofslope of the host dwelling and would be wholly screened from view of this neighbouring dwelling and would therefore not result in any demonstrable harm to the residential amenity of the occupiers of this neighbouring dwelling. It is noted that there would be a number of rooflights inserted into the northern roof slope of the host dwelling which would face the rear amenity space of this neighbouring, however, given the separation that would be maintained it is not considered to result in harm by overlooking beyond that of the existing first floor windows.

7.3.5 The neighbour to the east of the application dwelling is Commonwood Cottage, set some 50m from the host dwelling, this neighbouring dwelling is orientated towards the application dwelling. The proposed loft conversion including side and rear dormers are proposed to be sited on the south and west roof slopes of the host dwelling, and as such would be largely screened from view of this neighbour. Given the separation that would be maintained it is

not considered that this would result in any harm to the residential amenity of this neighbour. There are a number of proposed rooflights on the east roofslope which would face the boundary with this neighbour, however, owing to the separation it is not considered that these would facilitate additional overlooking.

- 7.3.6 The proposed roof extension is sited between the east and west roofslope of the dwelling, whilst it would be readily visible it is not considered to result in any harm to the residential amenity of any neighbour.
- 7.3.7 The demolition of the existing single storey side extension, alterations to fenestrations or proposed internal alterations are not considered to result in any demonstrable harm to the occupiers of any neighbouring dwelling, nor are they considered to facilitate additional overlooking of any neighbour beyond that of the existing situation.
- 7.3.8 In summary, the proposed development would not result in any adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Rear Garden Amenity Space Provision

- 7.4.1 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.
- 7.4.2 The application dwelling currently has five bedrooms at first floor level, the proposed development would increase the number of bedrooms within the dwelling by one, resulting in a six bedrooms dwelling across the first and second floor. The proposed development would not encroach onto an area of existing amenity space and would therefore retain approximately 1496sqm of rear amenity space which is considered sufficient for the dwelling in accordance with the guidelines outlined in Appendix 2 of the DMP LDD. The proposal is therefore considered acceptable in this regard.

7.5 Wildlife and Biodiversity

- 7.5.1 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.
- 7.5.2 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 LDD. 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.
- 7.5.3 The application is accompanied by a biodiversity checklist which 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 protected species within the immediate area that would necessitate further surveying work being undertaken.

7.6 Trees and Landscaping

- 7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation

features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

- 7.6.2 The application site is not located within the Conservation Area, there are however, a number of mature trees within the application sites amenity space, these are not protected by any Tree Preservation Order and no trees are proposed to be removed as part of the proposed development. As such it is not considered that any trees would be affected by the proposed development and the proposal is therefore considered acceptable in this regard.

7.7 Highways, Access and Parking

- 7.7.1 Core Strategy Policy CP10 (adopted October 2011) requires development to make adequate provision for all users, including car parking. Policy DM13 in the Development Management Policies document (adopted July 2013) states that development should make provision for parking in accordance with the Parking Standards set out within Appendix 5.
- 7.7.2 The application dwelling currently has five bedrooms at first floor level and would require 3 assigned parking spaces within the dwellings curtilage in accordance with Appendix 5 of the DMP LDD for more than four bedrooms dwellings. The proposed development would increase the number of bedrooms by one, resulting in a six bedroom dwelling. However, there would be no additional requirement for off street parking provision. The application dwelling is currently accessed via a private access road off Commonwood, and has an existing gravelled driveway with off street parking provision for four vehicles which is considered to be sufficient for the dwelling. The proposal is therefore considered acceptable in this regard. It is not considered that the proposed development would result in any harm to Highway Safety.
- 7.7.3 Comments from Hertfordshire County Council are noted, however, amended plans were submitted which omitted the originally proposed new vehicular access and alterations to the driveway from the proposal.

7.8 Very Special Circumstances

- 7.8.1 The NPPF sets out the following with regard to inappropriate development:
- 7.8.2 Paragraph 147 of the NPPF states that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*
- 7.8.3 Paragraph 148 of the NPPF further outlines that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.'*
- 7.8.4 In this case, it is considered that the proposed loft conversion including side and rear dormers would result in actual harm to the Metropolitan Green Belt by reason of the increase in bulk and massing to the south and west roof slopes of the dwelling resulting from the proposed dormers. No very special circumstances have been identified or presented which would outweigh this harm.

8 **Recommendation**

- 8.1 That subject PLANNING PERMISSION BE REFUSED for the following reasons:
- R1 The proposed loft conversion including side and rear dormers by virtue of their excessive and disproportionate scale to the host dwelling would constitute inappropriate development by definition, resulting in demonstrable harm to the openness of the Metropolitan Green Belt. The development would therefore be contrary to Policy CP11 of the Core Strategy (adopted

October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- R2 The proposed loft conversion including side and rear dormers are considered to result in demonstrable harm to the character of the host dwelling by virtue of their bulk and massing, resulting in disproportionate additions to the host dwelling. The development would therefore be contrary to Policies CP1, 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:**

- 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. Whilst the applicant and/or their agent and the Local Planning Authority discussed the scheme during the course of the application, the proposed development as amended fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.