**14. 17/1756/FUL – Subdivision of the site, demolition of existing detached garage and construction of detached dwelling and replacement garage at OLD MEADOWS, DOG KENNEL LANE, CHORLEYWOOD, HERTS, WD3 5EL for Mr and Mrs Gareth and Pauline Hunt**

|  |  |
| --- | --- |
| Parish: Chorleywood | Ward: Chorleywood North and Sarratt |
| Expiry Statutory Period: 20 October 2017 | Officer: Suzanne O’Brien |
|  |  |
| **Recommendation:** That planning permission be granted. | |
|  | |
| Reason for consideration by the Committee: Application has been called in by Chorleywood Parish Council. | |

1 **Relevant Planning History**

1.1 10/1303/FUL - Proposed removal of rear conservatory to allow proposed first floor extension over garage, garage conversion and rear two storey extension to detached dwelling. Single storey side extension and alterations to existing detached garage /store building to create additional covered parking and alterations to fenestration – Permitted - 17.09.2010.

1.2 15/0936/PREAPP - Subdivision of the site, demolition of existing detached garage and construction of detached dwelling – Closed 12.06.15.

1.3 16/1293/FUL - Demolition of existing detached garage, subdivision of site and construction of replacement detached dwelling with basement and associated parking and construction of detached garage to front of original dwelling – Refused - 30.08.2016

Refused for the following reason:

*The scale, siting and design of the proposed dwelling would result in a significant loss of openness and would be a prominent feature which would adversely affect the character and views within the Conservation Area. The proposed dwelling would also adversely affect the setting of the adjacent Listed Building of Constables Cottage due to its height and proximity to the building. As such the proposed dwelling would cause significant harm to these heritage assets and would be contrary to Policies CP1, CP3 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 Chorleywood Common Conservation Area Appraisal (2010) and the NPPF.*

1.417/0804/FUL - Subdivision of the site, demolition of existing detached garage and construction of detached dwelling and replacement garage – Refused – 25.07.2017

Refused for the following reason:

*The scale, siting and design of the proposed dwelling would result in a significant loss of openness and would be a prominent feature which would adversely affect the character and views within the Conservation Area. The proposed dwelling would also adversely affect the setting of the adjacent Listed Building of Constables Cottage due to its height and proximity to the building, and it has not be demonstrated that the siting of the building would not have an adverse impact on trees which make a material contribution to the visual amenities of the Conservation Area. As such the proposed dwelling would cause significant harm to these heritage assets and would be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011), Policies DM3 and DM6 of the Development Management Policies LDD (adopted July 2013), the Chorleywood Common Conservation Area Appraisal (2010) and the NPPF.*

2. **Detailed Description of Application Site**

2.1 The application site comprises a two storey detached dwelling, accessed via a single track lane off Dog Kennel Lane and is located within the Chorleywood Common Conservation Area. Access is provided to the site from Dog Kennel Lane via a private road which provides access to the application dwelling and the neighbouring property east of the application dwelling (The Red House). The main amenity space falls steeply away from the dwelling towards the Common. The rear boundaries of the site are relatively open. The frontage of the application property mainly consists of hardstanding material.

2.2 A detached garage is located south of the application dwelling and is located on lower land level in relation to the application dwellinghouse. This garage currently has its own access from the private road and the area to the front of the garage mainly contains hardstanding material. The boundary to the south of the garage is screened by mature trees. The property further south of the application site (Constable Cottage) is situated on a lower land level and is a Grade II Listed Building. It is separated from the site by Dog Kennel Lane.

2.3 The rear boundary of the application site adjoins the boundary with the Green Belt.

3. **Detailed Description of Proposed Development**

3.1 The application seeks full planning permission for the demolition of the existing detached garage, subdivision of site and construction of replacement detached dwelling with basement and associated parking and construction of a garage to the front of the original dwelling.

3.2 The proposed new dwelling would be sited a minimum of 4m from the south site boundary with Dog Kennel Lane and 4m from the proposed subdividing boundary. It would face east and would hold the following dimensions; a depth of 10m, a width of 10m and a maximum height of 6.1m. The proposed dwelling would have a pitched roof with gabled flank elevations and higher gabled projections which would run from the front to the rear of the dwelling. The proposed property would include a basement level which would be served by lightwells to the rear and south of the building. There would be a canopy over the entrance to the front elevation. Additional hardstanding is proposed to the front of the property to include additional space for parking.

3.3 It is also proposed to erect a detached garage on land to the front of the original dwelling. The proposed garage would be sited a minimum of 10m from the front elevation of the original dwelling and would be constructed close to the northern boundary. The garage would have a depth of 5.5m, a height of 3.2m and a width of 5.5m. Two sets of garage doors would be inserted on the western flank elevation.

3.4 The plans also indicate removal of part of the patio serving Old Meadows to the south and rear of this dwelling.

4. **Consultation**

4.1 Chorleywood Parish Council

4.1.1 Summary: Object.

4.1.2 *The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officers are minded to refuse this application.*

* *This application has been called in as the applicant is known to the Councillors*
* *The property is located within the Common Conservation Area – Policy DM3 The proposed is not in accordance with c)l)v of the Development Management Policies LDD (adopted July 2013)*
* *Overdevelopment of the plot*
* *Concern with the narrow access for further traffic use DM1 a) ii) of the Development Management Policies LDD (adopted July 2013)*

4.2Conservation Officer

4.2.1 Summary: No objection.

4.2.2 *The application site is located within the Chorleywood Common Conservation Area. The open and rural nature is a prominent characteristic of the Conservation Area formed by the openness of the common.*

*Policy DM3 of the Development Management LDD (2013) states that any application for demolition within a Conservation Area will only be granted if it can be demonstrated that: the building to be demolished makes no material contribution to the Conservation Area; the building is wholly beyond repair or incapable of beneficial use or; demolition and replacement will enhance the Conservation Area.*

*As the existing garage is of little historic or architectural interest it makes no material contribution to the special character or appearance of the area. This is supported by the fact that the view of the garage is obscured by vegetation, further reducing its contribution to the character and appearance of the Conservation Area. The demolition of the garage therefore complies with Policy DM3 i).*

*Policy DM3 of the Development Management Policies LDD also sets out the criteria against which proposals within Conservation Areas will be permitted.*

*Within Conservation Areas development will only be permitted if the proposal:*

*i) Is of a design and scale that preserves or enhances the character or appearance of the area*

*ii) Uses building materials, finishes, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context*

*iii) Retains historically significant boundaries, important open spaces and other elements of the area’s established pattern of development, character and historic value, including gardens, roadside banks and verges*

*iv) Retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention*

*v) Does not harm important views into, out of or within the Conservation Area*

*vi) Protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area*

*vii) Results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.*

*The ridge facing the Common has now been lowered to 5 metres, whilst the two ‘wings’ to the rear have been reduced to 6.1 metres.*

*The small gables above the front ridge reflect the design of the adjacent listed Constable Cottage.*

*I now consider that the new house will have limited impact in the Conservation Area and therefore on balance no conservation objection.*

4.3 Herts Highways

4.3.1 Summary: No objection.

4.3.2 *Decision*

*Notice is given under article 18 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that the Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.*

*HIGHWAY INFORMATIVE:*

*Hertfordshire County Council (HCC) recommends inclusion of the following highway informative / advisory note (AN) to ensure that any works within the public highway are carried out in accordance with the provisions of the Highway Act 1980:*

*AN) Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website*

*https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047*

*COMMENTS / ANALYSIS:*

*The application comprises of the erection of one dwelling on the site of the existing garage at Old Meadows, Dog Kennel Lane, Chorleywood. The stretch of Dog kennel Lane where the property is located is a private road and not highway maintainable at public expense. The nearest highway maintainable at public expense is approximately 120m from the proposals where the private access road has a junction with the adopted section of Dog Kennel Lane.*

*VEHICLE ACCESS:*

*There is no new or altered vehicular access. The proposed dwelling will use one of the two existing accesses to the property. HCC as Highway Authority has considered that the arrangements are acceptable. Furthermore the vehicular visibility at the junction of the private road and the nearest highway is adequate and in accordance with guidelines in Roads in Hertfordshire; A Design Guide and Manual for Streets (MfS).*

*PARKING & MANOEVRABILITY:*

*The applicant refers to the provision of eight on-site car parking spaces (presumably in total for the existing dwelling and proposed) in addition to a new double garage to replace the existing one. HCC as Highway Authority considers the arrangements and provision to be acceptable. Three Rivers District Council (TRDC) is the parking authority for the district and therefore ultimately should be satisfied with any parking arrangements on site.*

*EMERGENCY VEHICLE ACCESS:*

*The proposed plot is within the recommended emergency vehicle access of 45 metres from the private access road. This adheres to guidelines as recommended in MfS, Roads in Hertfordshire; A Design Guide and Building Regulations 2010: Fire Safety Approved Document B Vol 1 - Dwellinghouses.*

*WASTE COLLECTION:*

*No specific details have been provided as part of the application. Provision should be made for an on-site bin/refuse store within 30m of the dwelling and within 25m of the kerbside/bin collection point. The collection method must be confirmed as acceptable by TRDC waste management.*

*TRAFFIC GENERATION & IMPACT ON THE ADJACENT HIGHWAY:*

*The proposal is a small scale residential development located some distance from the nearest highway maintainable at public expense. The traffic generation of vehicles and impact on the local highway network would be considered to not be significant or detrimental.*

*CONCLUSION:*

*HCC as Highway Authority has considered that the proposal is of a small scale and would not have an unreasonable impact on the safety and operation of the nearest highway. Therefore HCC has no objections or further comments on highway grounds to the proposed development, subject to the inclusion of the above highway informative.*

4.4Herts Ecology

4.4.1 Summary: No objection subject to conditions.

4.4.2 *Thank you for consulting Hertfordshire Ecology on this application. We have previously commented on similar proposals at this address and I have the following comments to make now:*

*1. The Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site itself; however the property lies adjacent to Chorleywood Common which is a Local Nature Reserve and Local Wildlife Site important for its grassland interest. In addition, the application site lies in close proximity to known populations of both roosting bats and breeding great crested newts.*

*Bats*

*2. Bats and their roosts are protected under European and national legislation and in general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. They will roost in buildings (often under tiles) and trees if suitable features and conditions are available.*

*3. The site was assessed in August 2015 and no bats or evidence of bats was found in the garage. However, a roost was confirmed in the adjacent house (Old Meadows), and consequently mitigation and enhancement measures (i.e. the need for a bespoke lighting design and incorporation of bat roosting features on the roof of the new property, respectively) were recommended to reduce the likelihood of an offence occurring and provide biodiversity gain to help meet the expectations of the National Planning Policy Framework.*

*4. I would like to see these mitigation and measures secured by Condition if this planning application is granted.*

*“Any new lighting scheme will need to be designed to avoid illuminating the hanging tiles at the southern gable end of the off-site house to the north (Old Meadows). This is to avoid the potential illegal obstruction of a confirmed bat roost and also to minimise disturbance to foraging and commuting bats. “*

*“The provision of artificial bat roosting features (i.e. bat access tiles/bat access ridge tiles) on the roof of the new residential property should be included within the development plans to enhance the value of the site for bats. These should be inserted into the fabric of the building during construction and should be positioned as high as possible, close to the eaves.”*

*5. Circumstances can always change as bats are known to change roost sites as well as return to old roost sites, and thus a precautionary approach is still advisable to reduce the risk of harm arising from this proposal and of an offence being committed. Therefore, I recommend that the following Informative is added to any consent:*

*“If bats, or evidence for them, are discovered during the course of demolition 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.”*

*Great crested newts*

*6. Great crested newts are protected under European and national legislation and it is an offence to disturb or harm them, their eggs and their breeding sites and resting places. These amphibians spend the majority of their lifecycle on land, typically up to 200m from their breeding pond but can travel further if the dispersal and sheltering habitats are suitable for them.*

*7. The application site also lies in close proximity to a number of Great crested newt breeding ponds, the closest just 250m to the north albeit separated from the application site by local roads. Amphibians are vulnerable to trampling and burial from construction activities but in this instance, neither populations nor ponds are likely to be adversely affected because of the distances involved, the physical barrier provided by the roads and the extent of gravel and short grass surrounding the property (both of which are unfavourable for amphibians). Consequently, in these circumstances, I believe the risk of harm rising is slight, that a precautionary approach is appropriate and I recommend the addition of the following Informative to any consent:*

*“Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians to cross. Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons. Trenches should be provided with a means of escape for any animals that may have become trapped. This is particularly important if the trench fills with water. In the event that a Great crested newt is encountered during works, construction must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.”*

*8. I note the Design & Access Statement supports the inclusion of the above mentioned Conditions and Informatives.*

4.5Landscape Officer

4.5.1Summary: No objections subject to conditions:

4.5.2 *There is a group of mature Lime and Horse Chestnut trees situated close to the S.W. boundary of the site. These trees are a prominent feature of the landscape on the eastern side of the common. This is the third application for this site within twelve months. Landscape comments on the previous applications have made reference to the need for any future planning applications to be supported by a Tree Survey and Arboricultural Impact Assessment prepared in accordance with BS:5837-2012 ‘Trees in relation to design, demolition and construction – recommendations’. No such documents have been submitted.*

*The applicant has included a copy of an email from an Arboricultural Consultant dated 10th August 2017. This identifies one of the Horse Chestnuts within the group as having two cavities in the trunk near ground level. The condition of the tree is such that it need not be considered a constraint on this application. This tree is the closest of the group to the existing garage and its removal will move the root protection area (R.P.A.) of the group of trees further away from the existing and proposed structures.*

*The email from the Arboricultural Consultant also discusses the proposed new structure being partially within the R.P.A. of the retained trees. It is sometimes possible to construct within the R.P.A. but only if specialist foundations are used. There is no detail on foundation design within any of the submitted documents. It is usual to expect applications which propose construction within the R.P.A. to be supported by an Arboricultural Impact Assessment and Method Statement prepared in accordance with BS:5837-2012. As previously stated, no such documents have been submitted.*

*The email from the Arboricultural Consultant also discusses the need to position the basement level of the proposed structure outside of the R.P.A. This advice seems to have been followed with the basement footprint set back from the S.W. corner of the proposed structure.*

*This submission is an improvement on the scheme which was submitted under 17/0804/FUL. It is disappointing that the construction within the R.P.A. is not actively addressed within the application. If planning permission is granted it will be necessary to secure all of the BS:5837-2012 documents through the use of planning conditions.*

4.6 Herts and Middlesex Wildlife Trust

4.6.1 No comments received.

4.7 Herts Footpath Section

4.7.1 No comments received.

4.8 Thames Water

4.8.1 No comments received however made the following comments in relation to application 16/1293/FUL:

4.8.2 *Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.*

*Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.*

4.9 Affinity Water

4.9.1 No comments received

4.10 National Grid

4.10.1 No comments received.

5. **Neighbour Consultation**

5.1 No. consulted: 13

No. responses: 3

5.2 Site Notices: Posted 11 September 2017 and expired 2 October 2017.

Press Notices: Published 8 September 2017 and Expired 29 September 2017.

5.3 Summary of responses:

- Similar application has been previously refused on the site;

- Site is in a Conservation Area and a private road;

- Large hedge could be destroyed;

- Development would overlook neighbouring properties;

- No windows should be permitted that would allow a view into neighbouring properties;

- The existing level of screening should be maintained or replaced to the current height to respect existing character;

- Dog Kennel Lane is a narrow road with few passing places, addition of properties would add congestion especially for essential services;

- Development would be visible from the Common and would impact on the Conservation Area;

- Bats maybe present in the existing building.

6. **Reason for Delay**

6.1 Not applicable.

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: PSP2, CP1, CP2, CP3, CP4, CP8, 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, DM4, DM6, DM8, DM10 and DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and following Examination in Public.

The Chorleywood Common Conservation Area Appraisal (adopted February 2010).

Supplementary Planning Document 'Affordable Housing' (approved June 2011 following a full public consultation) is relevant to this application.

7.4 Other

7.4.1 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.

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

8. **Analysis**

8.1 Principle of Development

8.1.1 Core Strategy Policy CP2 advises that in assessing applications for development not identified as part of the District’s housing land supply including windfall sites, applications will be considered on a case by case basis having regard to:

i. The location of the proposed development, taking into account the Spatial Strategy.

ii. The sustainability of the development and its contribution to meeting local housing needs.

iii. Infrastructure requirements and the impact on the delivery of allocated housing sites.

iv. Monitoring information relating to housing supply and the Three Rivers housing targets.

8.1.2 The application site is within Chorleywood which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that the main emphasis for future development is within the existing urban area through development of previously developed land and appropriate infilling opportunities within the Principal Town and Key Centres followed by development at the most sustainable locations on the edge of existing settlements. This is supported by Policy PSP2 of the Core Strategy which advises that the Key Centres including Chorleywood will provide approximately 60% of the District's housing requirements over the plan period.

8.1.3 Given the location of the site within a Key Centre and that it would constitute infilling within a predominantly residential area, there is no in principle objection to residential development of the application site in relation to the requirements set out in Core Strategy Policy CP2, however this is subject to assessment against other material considerations as discussed below.

8.2 Principle of Demolition

8.2.1 Policy CP12 of the Core Strategy states that in seeking a high standard of design, the Council will expect all 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.

8.2.2 Policy DM3 of the Development Management Policies document sets out that within Conservation Areas, permission for development involving demolition or substantial demolition will only be granted if it can be demonstrated that:

i) the structure to be demolished makes no material contribution to the special character or appearance of the area; or

ii) it can be demonstrated that the structure is wholly beyond repair or incapable of beneficial use; or

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

8.2.3 There is no objection to the demolition of the existing garage which the Conservation Officer has advised is of little historic or architectural interest and makes no material contribution to the special character or appearance of the area. The demolition of the existing garage is therefore considered acceptable.

8.3 Impact on Character, Street Scene and Heritage Assets

8.3.1 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'.

8.3.2 In terms of new residential development, Policy DM1 of the Development Management Policies LDD advises that the Council will protect the character and residential amenity of existing areas of housing from forms of backland development. Development will also only be supported where it can demonstrated that the proposal will not result in:

i) Tandem development.

ii) Servicing by an awkward access drive which cannot easily be used by service vehicles.

iii) The generation of excessive levels of traffic

iv) Loss of residential amenity

v) Layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (e.g. hedges, walls, grass verges etc).

8.3.3 Traffic, servicing and impact on amenity are considered in the relevant sections below and the proposal would not result in tandem development.

8.3.4 The proposed development would incorporate subdivision of the existing plot to provide two separate residential curtilages. Therefore a new plot would be developed to accommodate the new dwelling. The existing garage on the site currently has an access from the existing shared access that is situated east of the site.

8.3.5 The subdivision of the plot would result in a plot of approximately 500sqm to serve the proposed dwelling with approximately 1,000sqm retained to serve Old Meadows. Dog Kennel Lane and the areas within the immediate vicinity of the application site contain properties on plots that vary in size and in character. The proposed plot size of the new dwelling would not look out of character within the area. A strong, regular pattern of development does not exist and the proposed subdivision would therefore not interrupt any characteristic pattern of plot frontage, plot size or layout. The proposed size and scale of the building would also not appear out of character in relation to the varied built form that characterises the immediate area. As such, the proposed development would not result in any demonstrable harm in regards to the requirements of Policy DM1 of the Development Management Policies document.

8.3.6 The application site is within the Chorleywood Common Conservation Area and Policy DM3 of the Development Management Policies document is therefore relevant. This policy states:

*Within Conservation Areas development will only be permitted if the proposal:*

*i) Is of a design and scale that preserves or enhances the character or appearance of the area*

*ii) Uses building materials, finishes, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context*

*iii) Retains historically significant boundaries, important open spaces and other elements of the area’s established pattern of development, character and historic value, including gardens, roadside banks and verges*

*iv) Retains and restores, where relevant, traditional features such as shop fronts, walls, railings, paved surfaces and street furniture, and improves the condition of structures worthy of retention*

*v) Does not harm important views into, out of or within the Conservation Area*

*vi) Protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area*

*vii) Results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.*

8.3.7 The key characteristic of the Chorleywood Common Conservation Area is its open and rural setting as highlighted in the Chorleywood Common Conservation Area Appraisal which states at paragraph 4.1 that ‘the overwhelming character of the Chorleywood Common Conservation Area is rural, centering around an open common’, and at paragraph 4.4 that ‘the open and rural nature is a prominent characteristic of the Conservation Area formed by the openness of the Common’. The Appraisal specifically makes specific reference to Dog Kennel Lane at paragraph 4.2 stating:

*‘Views within, into and out of the Common and surrounding areas can add to the character and appearance of the Conservation Area. It is important that these views are maintained and not disturbed by inappropriate forms of development. Views are created through the gaps in the woodland settings, as detailed in the picture on the front page, which is viewed from the cricket ground. The changes in topography of the land create interesting vistas within the Conservation Area. Specifically along the eastern boundary of the Common along Dog Kennel Lane, the road is set between two areas of land which increase in height. The landscape to the east of Dog Kennel Lane contains a mixture of residential dwellings which are partially obscured from view by vegetation. The sporadic layout of these buildings maintains the open nature of the Conservation Area. To the west of the road is the Common. The ranging land levels provide interesting views, especially surrounding the dells. The views along Rickmansworth Road, to the north of the Common are marred by the road signage and visually intrusive boundary treatments.’*

8.3.8 The proposed dwelling would be constructed within the existing garden of Old Meadows to the side of the existing dwelling. Although there is existing built form to the side of the dwelling this consists of a low level building and does not result in a notable feature as viewed from the Common. The existing site therefore maintains a sense of space and makes a material contribution to the open and rural character of the Common and Conservation Area.

8.3.9 Planning permission has been refused recently for the construction of a detached dwelling on this site as it was considered that the proposed height and bulk of the proposed building would serve to erode the open and spacious character of this part of the Conservation Area and would result in a prominent feature as viewed from the Common. The current scheme however proposes a building of lower proportions, the table below sets out the differences between the proposed development and refused schemes:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Existing** | **16/1293/FUL** | **17/0804/FUL** | **Pending** |
| **Height facing The Common** |  | 7.5m | 6.4m | 5m |
| **Maximum height** | 4.3m | 7.5m | 6.4m | 6.1m |
| **Width first floor level (Roof Level)** | 7.1m | 11m | 10m | 7.8m |
| **Width ground floor level** | 10m | 11m | 10m | 10m |

8.3.10 The current scheme would therefore be notably smaller in terms of height and bulk at first floor level. The bulk of the proposed development as viewed from the open common to the west would be significantly reduced through the reduction in width of the first floor level and reduction in height of the building. The proposed gable projections to the rear would add height however they would be set back from the rear elevation and would not add significant bulk to the built form as to make it appear unduly prominent. The proposed design feature would also respect that of the Listed Building Constable Cottage sited to the south. Furthermore, the proposed height of the western elevation (the elevation directly facing the Common) of the building would only be set 0.7m higher than the existing structure whilst the ground floor width of the building would be the same as that of the existing building. The higher gable projections due to their design would not serve to add unacceptable bulk and massing to the proposed building. Thus, it is not considered that the overall bulk and massing of the proposal would result in any significant greater harm to the open and rural character of the Conservation Area than in comparison to the existing building. It should also be noted that there are views of The Red House sited to the side of Old Meadows demonstrating that there are existing views of built form located to the side of the existing dwelling. The proposed basement and lightwells would not be readily apparent from public vantage points and would not result in an incongruous feature. The proposed dwelling would have a depth of 10m. The proposed depth of the dwelling would not appear excessive and would not result in any harm to the special character of the Conservation Area.

8.3.11 The proposed building would be sited approximately 7m from the two storey flank elevation of the original dwelling and would be set on lower ground to the original building. This separation and the changes to topography would serve to maintain a sense of space and openness from views along The Common. There would also be sufficient space maintained between the proposed dwelling and Constable Cottage as to respect the spacious nature of the area. Furthermore, the subordinate southern flank elevation would prevent the proposed development from resulting in a dominant feature in relation to the neighbouring Listed Building. The proposed layout of the development in relation to the original dwelling and neighbouring properties would not serve to impact on the sporadic layout of the properties along Dog Kennel Lane and which contributes to the character of the area.

8.3.12 In relation to the current proposed development the Conservation Officer made the following comments:

*The ridge facing the Common has now been lowered to 5 metres, whilst the two ‘wings’ to the rear have been reduced to 6.1 metres.*

*The small gables above the front ridge reflect the design of the adjacent listed Constable Cottage.*

*I now consider that the new house will have limited impact in the Conservation Area and therefore on balance no conservation objection.*

8.3.13 Thus, although the proposal would result in a larger building being constructed in place of the existing building it is not considered that the proposed development would result in any demonstrable harm to the open and rural character of the Chorleywood Common Conservation Area and would not result in any harm to the vistas within the Conservation Area and as viewed from The Common.

8.3.14 The submitted plans detail that a hedge row would be implemented to act as the subdividing boundary line. Any boundary would be visible from the Common. The implementation of a soft boundary treatment would serve to respect the existing character of the area and would not result in a prominent feature. It is not considered that the proposed subdividing boundary would result in any harm to the open and rural qualities of the Conservation Area. The siting of the proposed boundary line would also provide sufficient spacing between the existing and proposed dwellings.

8.3.15 The proposed new garage would be situated towards the north eastern portion of the site. The garage would have a height of approximately 3.2m. The garage would be positioned on an area of the site that would not make it readily visible from the street scene and would be situated a significant distance from this portion of Dog Kennel Lane. The garage would incorporate an acceptable roof design that would not harm the character of the area as numerous plots within the area contain garages and outbuildings of various sizes. Therefore the new garage would not have a detrimental impact on the street scene. The garage is also considered to preserve the character of the Conservation Area and would not harm any important views into, out of or within the Conservation Area.

8.3.16 The National Planning Policy Framework advises at paragraph 133 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, the Framework advises that this harm should be weighed against the public benefits of the proposal.

8.3.17 The proposed scheme through the reduction in height and bulk and massing at first floor level would not result in any demonstrable harm to the open and rural character of the Conservation Area or harm to the setting of the neighbouring Grade II Listed Building. The proposed development would therefore be considered acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD.

8.3.18 Permitted development rights would be removed to further protect the character of the Conservation Area and prevent overdevelopment of the site.

8.4 Impact on Neighbours

8.4.1 Policy CP12 of the Core Strategy stipulates 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.

8.4.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD set out that residential 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.

8.4.3 The Design Criteria at Appendix 2 of the Development Management Policies document also set out that two storey development at the rear of properties should not intrude a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property, although this principle is dependent on the spacing and relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and the position of windows and development on neighbouring properties.

8.4.4 The 45 degree angle taken from the boundary adjacent to rear building line of Old Meadows would not result in any intrusion. Furthermore the new dwelling would be set in from the new boundary by 4m and would be positioned approximately 7m from this dwelling. This is considered sufficient to prevent the proposed development from appearing overbearing to the residents at this property. The property would also be set on a lower land level relative to this neighbouring property and would be set down from the existing ridge height of Old Meadows as illustrated on the indicative street scene drawing. The new dwelling would not extend forward of the existing front building line of Old Meadows and therefore the new development would not result in any loss of light to the windows at the front of this neighbouring property. The separation (approximately 7m) between the dwelling and Constable Cottage would prevent the proposal from resulting in any unacceptable loss of light or harm to the visual amenities of this neighbouring property. Furthermore the dwelling would be positioned a significant distance from the residents at The Red House (approximately 36m) and therefore no harm would be caused to the residential amenities of the neighbours at this property. As such the new property is not considered to result in a loss of light or appear overbearing relative to the residents at the neighbouring properties within the vicinity of the site.

8.4.5 The proposed glazing to the rear of the property would be directed towards the new rear garden of the application dwelling. Therefore no overlooking would occur to nearby neighbours. The proposed fenestration to the front of the new dwellinghouse would be directed towards the front of the application site. The neighbour at The Red House would be approximately 35m from the proposed property and the dwelling would not result in overlooking to any neighbouring habitable windows. The flank rooflights would be conditioned to have a cill height of 1.7m to prevent overlooking of neighbouring properties. The ground floor flank windows would not permit unacceptable overlooking into the neighbouring property to the south.

8.4.6 The existing patio area that is located to the rear and south of Old Meadows would be altered. This would involve omitting elements of the patio to the south flank elevation and rear of the property to prevent any overlooking. This would prevent unacceptable overlooking from the existing property directed towards the new dwelling, and would be required by condition on any consent. A condition would also require provision of boundary treatment to the site to ensure adequate privacy.

8.4.7 The proposed new garage that would be located northeast of the site would be positioned a significant distance from the neighbouring properties north and east of the site. In addition to this the height and depth of the garage would not appear a dominating feature with regards to the neighbouring properties.

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

8.5 Amenity Provision

8.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD.

8.5.2 The proposed scheme would result in the subdivision of the existing plot. The proposed dwelling would provide a 3 bedroom property. Appendix 2 of the Development Management Policies advises that a 3 bedroom property should retain an amenity space of 84sqm. The proposed rear garden associated with the new dwelling would measure over 200sqm and would therefore comply. The development would result in a loss of existing amenity space to serve Old Meadows, however a garden of over 400sqm would be retained which would be adequate in accordance with standards.

8.6 Wildlife

8.6.1 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.

8.6.2 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 DMP LDD. Hertfordshire Ecology raised no objection to the proposed development following receipt of information however the works would involve demolition of the existing garage and therefore conditions and informatives will be included to any consent advising the applicant on what to do should bats be found during the course of development, and an informative would also advise of a precautionary approach given nearby great crested newt populations.

8.7 Trees and Landscaping

8.7.1 Policy DM6 of the DMP 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. In relation to the retention of protected trees Policy DM6 ‘Biodiversity, Trees, Woodlands, Watercourses and Landscaping’ states:

‘ii) 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 or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997.

iv) Development should be designed in such a way as to allow trees and hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.

v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland, protected trees (including aged and veteran trees) and hedgerows unless conditions can be imposed to secure their protection.’

8.7.2 The trees within the site are protected by virtue of the Conservation Area status of the site. The Landscape Officer recommended refusal of application 17/0804/FUL due to impact the development would have on the significant trees located along the southern boundary of the site. Following this refusal an Arboricultural Consultant has visited the site and has identified that one of the Horse Chestnuts has two cavities in the trunk near ground level. The Landscape Officer confirms that this tree need not be a constraint on the application. The basement would also be set back from the south west corner of the proposed dwelling and away from the Root Protection Area (R.P.A) of the adjacent trees.

8.7.3 The Landscape Officer noted that the dwelling would be sited within the RPA of the trees along the southern boundary and that the application should be supported by an Arboricultural Impact Assessment and Method Statement; this document was not submitted. The Landscape Officer did not however object to the proposed development and recommended approval subject to a number of conditions including the submission of a method statement which would require the submission of construction methods.

8.8 Highways, Parking & Access

8.8.1 Core Strategy Policy CP10 requires development to demonstrate that it will provide a safe and adequate means of access. There would be no change to the access to the site from Dog Kennel Lane and the Highways Officer advises that the development would not have a detrimental impact on the highway. However, given the constrained nature of the access to the site, a condition on any consent would require submission of a construction management plan to ensure that there would not be adverse impacts as a consequence of the proposed development. An informative regarding deposit of mud or other debris on the public highway would also be attached to any planning permission.

8.8.2 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. The parking standards state that a dwelling of four bedrooms or more should have a total of three parking spaces.

8.8.3 The proposed development would result in a 3 bedroom property and the existing dwelling is likely to contain a minimum of four bedrooms. Appendix 5 of the Development Management Policies LDD advises that a property with 4 or more bedrooms should retain an on-site parking provision of 3 spaces. The proposed alterations to the front of the proposed dwelling would accommodate three vehicles. In addition to this the proposed garage and hardstanding linked to Old Meadows would accommodate more than three vehicles. There would therefore be sufficient parking to serve both properties.

8.9 Sustainability

8.9.1 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.

8.9.2 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.

8.9.3 An Energy Statement has not been submitted as part of the application. Any planning permission would include a condition requiring the submission of an Energy Statement ensuring the proposed development would be constructed in accordance with the requirements of Policy CP1 of the Core Strategy and Policy DM4 of the Development Management Policies LDD.

8.10 Refuse & Recycling

8.10.1 Policy CP1 of the Core Strategy states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies LDD sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

8.10.2 The dwelling is located within a residential area and the collection of refuse and recycling bins adjacent to the highway would be considered acceptable.

8.11 Infrastructure Contributions

8.11.1 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.

8.12 Affordable Housing

8.12.1 In view of the identified pressing need for affordable housing in the District, Policy CP4 of the Core Strategy seeks provision of around 45% of all new housing as affordable housing and requires development resulting in a net gain of one or more dwellings to contribute to the provision of affordable housing. Developments resulting in a net gain of between one and nine dwellings may meet the requirement to provide affordable housing through a financial contribution. Details of the calculation of financial contributions in lieu of on-site provision of affordable housing are set out in the Affordable Housing Supplementary Planning Document.

8.12.2 However, an appeal decision overturning the previous High Court judgement giving legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 by Brandon Lewis; the NPPG has been updated at paragraph 31 to advise that contributions should not be sought from developments of 10 units or fewer with a maximum combined gross floor space of no more than 1,000sqm. As a result, the change in national policy means that the Council does not currently seek contributions for affordable housing as part of applications proposing 10 dwellings or fewer that have a maximum floor space of 1,000sqm on applications that were validated prior to the 4 September 2017.

8.12.3 The current application would result in a gain of 1 dwelling on the site and the floorspace would not exceed 1,000sqm. The application was validated prior to 4 September 2017 as such Core Strategy Policy CP4 and a Section 106 requirement would not be applicable to this application.

9. **Recommendation**

9.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:-

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC001 (Location Plan), TRDC002 (Block Plan), TRDC003 (Patio), TRDC004 (Existing Elevations), TRDC005 (Proposed Elevations), TRDC006 (Proposed Side Elevations), TRDC007 (Proposed Floor Plans), TRDC008 (Proposed Floor and Roof Plan), TRDC009 (Street Scene), TRDC10 (Proposed Garage), TRDC11 (Proposed Garage Elevations).

Reason: For the avoidance of doubt, to protect the Conservation Area and in the proper interests of planning in accordance with Policies PSP2, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM8, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and The Chorleywood Common Conservation Area Appraisal (adopted February 2010) .

C3 No development shall take place before a method statement for construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities, excavation, site preparation and construction stages of the development. The method statement shall also include details of the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: This condition is a pre commencement condition to ensure that no obstructions to the public highway occur during the construction period, in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

C4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows which are to be retained.

All hard and soft landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted. All soft landscaping works required by the approved scheme shall be maintained, including the replacement of any trees or plants which die, are removed or become seriously damaged or diseased for a period for five years from the date the approved scheme was completed. Replacements should be planted during the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: This condition is a pre commencement condition in the interests of visual amenity in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C5 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The plans and particulars shall be prepared in accordance with BS: 5837 (2012) ‘Trees in relation to design, demolition and construction’

The protective measures, including fencing, shall be undertaken in accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition in order to protect the visual amenities of the trees, area and to meet 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).

C6 No development or other operation shall commence on site until a method statement has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of tree protection measures, timetables of works, method of demolition, removal of material from the site, importation and storage of building materials on the site, details and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees. The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The fencing or other works which are part of the approved scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

Reason: This condition is a pre commencement condition in order to protect the trees, area and to meet the requirements of Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C7 Prior to commencement of the development hereby permitted, an Energy Statement demonstrating energy saving measures for the development to achieve 5% less carbon dioxide emissions than Building Regulations Part L requirements (2013) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and permanently maintained thereafter.

Reason: This condition is a pre commencement condition in order to ensure that the development will meet the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

C8 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

C9 Prior to occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected prior to occupation in accordance with the approved details and shall be permanently maintained as such thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the north and south flank elevations or roof slopes of the extension/development hereby approved.

Reason: To safeguard the residential amenities of neighbouring properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C11 The rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

Reason: To safeguard the amenities of the occupiers of neighbouring residential properties in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C12 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class C - alteration to the roof

Class E - provision of any building or enclosure

Class F - any hard surface

Part 2

Class A - erection, construction, maintenance or alteration of a gate, fence, wall or other means of enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C13 No external lighting shall be installed on the site or affixed to any buildings on the site unless the Local Planning Authority has first approved in writing details of the position, height, design and intensity. The lighting shall be installed in accordance with the approved details before the use commences.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

C14 The provision of artificial bat roosting features (i.e. bat access tiles/bat access ridge tiles) on the roof of the new residential property should be included within the development plans to enhance the value of the site for bats. These should be inserted into the fabric of the building during construction and should be positioned as high as possible, close to the eaves.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

**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 stipulates that construction activity (where work is audible at the site boundary) 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 development maintains/improves the economic, social and environmental conditions of the District.

I4 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0845 6014523

Herts & Middlesex Bat Group: www.hmbg.org.uk

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

I5 Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians to cross. Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons. Trenches should be provided with a means of escape for any animals that may have become trapped. This is particularly important if the trench fills with water. In the event that a Great crested newt is encountered during works, construction must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.

I6 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

I7 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and 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 are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<https://www.hertfordshire.gov.uk/services/highways-roads-and->pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047