**10. 17/0695/FUL – Construction of two detached two storey dwellings on land to the rear of No.10 Gypsy Lane with associated parking and landscaping and alterations to existing access at 10 Gypsy Lane, Hunton Bridge, WD4 8PR for Hobbs Developments Ltd.**

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| Parish: Abbots Langley Parish | Ward: Gade Valley |
| Expiry Statutory Period: 30.05.2017 | Officer: Scott Volker |
| Recommendation: That Planning Permission be granted | |
|  | |
| Reason for consideration by the Committee: The application has been brought before the Planning Committee at the request of the Abbots Langley Parish Council. | |

1. The application was originally brought before the Planning Committee at the meeting held on the 25 May 2017. The Committee resolved to defer the application to allow Members to undertake a site visit. The site visit took place on 6 June 2017.

1 **Relevant Planning History**

1.1 W/1624/73 – First floor extension over garage – Permitted May 1973 – Implemented.

1.2 8/590/79 – Single storey extension – Permitted September 1979 - Not implemented.

1.3 8/892/80 – Erection of double garage – Permitted February 1981 - Implemented.

1.4 8/326/84 – Conservatory – Permitted June 1984 - Implemented.

1.5 99/02165/FUL – Reconstruction of conservatory – Permitted November 1999 - Implemented,

1.6 16/1302/PREAPP - Pre-application: Proposed erection of two detached dwellings to rear of No.10 with associated access and parking – Written response provided July 2016 with the following summary:

*‘In summary, whilst the proposed development would result in a form of backland development I do not have an in principle objection to the construction of two dwellings to the rear of No.10 Gypsy Lane. I do however have concerns regarding the front to back distances between the retained dwelling and the proposed two detached dwellings.*

*I also have concerns with regards to the impact of the proposed development on the neighbouring amenities of both the existing neighbouring properties and future occupiers of the new dwellings.’*

1.7 16/1303/PREAPP - Pre-application: Demolition of existing dwelling and construction of four detached dwellings with associated access and parking - Written response provided July 2016 with the following summary:

‘*In summary, whilst the proposed development would result in a form of backland development I am of the opinion that it would not be significantly out of character with the area. Notwithstanding this, the construction of four detached dwellings with the size of the subdivided plots would result in a cramped and contrived form of development which would result in demonstrable harm to the character of the area contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD.*

*I also have concerns with regards to the impact of the proposed development on the neighbouring amenities of both the existing neighbouring properties and future occupiers of the new dwellings.’*

1.8 16/2743/FUL - Construction of two detached two storey dwellings on land to rear of 10 Gypsy Lane with associated parking and landscaping and alterations to existing access – Application withdrawn March 2017.

2. **Detailed Description of Application Site**

2.1 The application site is located on the western side of Gypsy Lane, Hunton Bridge. Gypsy Lane is a residential street comprising of detached properties on large spacious plots along the western side with open fields located to the east.

2.2 The application site measures approximately 60 metres in depth and 30 metres in width, although the site narrows to a width of 25 metres at roughly the half way point. The site contains a detached two-storey dwelling of pebble dash render exterior and brown tiled hipped roof located just off centre within the site located closer to the north flank boundary. The dwelling is set back from the highway by approximately 8 metres and the site benefits from a carriageway driveway.

2.3The land levels slope downwards in an east to west direction, resulting in the dwellinghouse being set on a higher land level than the rear of the site. The boundaries are lined with mature trees and vegetation which limits views of adjoining sites.

2.4 The application dwelling and the neighbouring properties to the north have a relatively uniform front building line. The neighbour to the south, No.12 Gypsy Lane, is set back further from the highway and is approximately 22 metres further into its plot.

3. **Detailed Description of Proposed Development**

3.1.1 Full planning permission is sought for the construction of two detached two storey dwellings on land to the rear of No.10 Gypsy Lane with associated parking and landscaping and alterations to existing access.

3.1.2 The existing dwelling would be retained and the proposed two new dwellings would be located towards the rear of the site with a minimum front to back distance of approximately 21 metres between the existing dwelling and the proposed new dwellings. The dwellings to the rear would be set further back from the highway than No.12 Gypsy lane and would follow the staggered building line of the dwellings to the south. There would be a separation distance of 2.4 metres between the dwellings at the rear. The existing access within the northern corner of the site would be retained to serve the existing dwelling and the existing access in the south-eastern corner would be extended to serve the two dwellings to the rear.

3.1.3 The submitted site plan indicates that the proposed dwellings would be set on a lower land level than the original dwelling located on site. It is detailed that the first floor levels of the proposed dwellings would be 2.2 metres lower than the existing dwelling and the roof ridges would be 2.8 metres lower.

3.1.4 The proposed two dwellings would have the same appearance measuring 9.5 metres in width (excluding chimney stack); depth of 7 metres and would have a pitched roof measuring 8.2 metres in height sloping down to an eaves height of 5 metres. The dwellings would each have a pitched roof canopy porch located centrally within the principal elevation and projecting 1.2 metres forward of the main front building line and measuring 3.1 metres in height.

3.1.5 Glazing is proposed at ground and first floor level within the front and rear elevations of the dwellings. No flank glazing is proposed to either dwelling.

3.1.6 The dwelling in Plot 1 would be set back from the existing dwelling by 21 metres and would be set off the southern boundary by 1.5 metres widening to 3 metres at the rear. This plot would have a depth of 23 metres and a width of 11 metres at the front widening to 15 metres at the rear. The rear boundary and the private amenity space would measure approximately 185sq. metres.

3.1.7 The dwelling in Plot 2 would be set back from the existing dwelling by 23 metres and would be set off the shared northern boundary by 1.5 metres. This plot would have a depth of 23 metres and a width of 11 metres at the front widening to 15 metres at the rear. The private amenity space would measure approximately 184sq. metres.

3.1.8 The existing dwelling would retain a private amenity space of approximately 205sq. metres and would be enclosed by 2 metre close boarded fencing and laurel hedging. A distance of 1.2 metres would be maintained between the flank elevation of the original dwelling and the new boundary line. It should be noted that this is not currently reflected on site.

3.1.9 Each dwelling would have an individual bin storage area within their respective curtilages and a bin collection area is proposed close to the access from Gypsy Lane.

3.1.10 Each dwelling would contain three bedrooms. Plot 1 would be benefit from three off-street parking spaces and Plot 2 would benefit from two off-street parking spaces with an additional space shown on the private road.

4. **Consultation**

4.1 **Statutory Consultation**

4.2 Abbots Langley Parish Council

4.2.1 Members object to this contrived back-land overdevelopment for two houses within the green belt. If Officers are minded to approve the application then the Parish Council requests that it is referred to Three Rivers Planning Committee for consideration.

4.2.2 Officer response: The comments from the Parish are acknowledged but the site is not located within the Metropolitan Green Belt.

4.3 Highways Officer

4.3.1 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.

4.3.2 Proposal: The comments of The County Highway Authority have been sought by the Three Rivers District Council (TRDC) regarding the above application. The proposal comprises Construction of two detached two-storey dwellings on land to rear of 10 Gypsy Lane with associated parking and landscaping and alterations to existing access. The proposed development is located at 10 Gypsy Lane in Hunton Bridge which is an unclassified road 'U' and it has the title of local access in the road hierarchy. Vehicle speeds past this site are limited to 30 mph.

4.3.3 Access: Currently the applicant site is served by two existing accesses for in and out in forward gear to the highway. The submitted drawing (Ref: 1898.01) indicates that exiting access point located at north side will be used for the existing house and the access point located at south side would be widened to use for the proposed dwellings. This proposal would be acceptable in the highway context.

4.3.4 Access Road Width: The submitted drawing (Ref: 1898.01) shows the proposed width of shared access road is 4m. This is not acceptable in the highway context. According to the 'Roads in Hertfordshire' (3rd Edition Table 2-1-1-1, Road Design Criteria), a minimum width of 4.1m is required. Therefore a planning condition has been placed.

4.3.5 Visibility: The present visibility at the southern access point is deemed inadequate due to the presence of brick wall and hedges in both directions of the Gypsy Lane. For the proposed usage, the visibilities in both directions would need to be improved at an acceptable condition (2.4mx 43m). Accordingly a planning condition (3) has been placed.

4.3.6 Servicing the Development: The submitted drawing (Ref: 1898.01) shows the location of waste bin storage area which would consider to be acceptable in the highway context.

4.3.7 Conclusion: The highway authority has considered that the intensification of use associated with this development proposal is unlikely to generate unreasonable impacts on safety and operation of adjoining highway networks. Therefore, the highway authority has no objection to the development proposal following the above mentioned conditions.

4.3.8 Conditions:

Condition 1 - Detailed Plan

Prior to commencement of the development hereby permitted, a further detailed plan for widening of access arrangements shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Condition 2 - Shared Access Width

Prior to the commencement of the development hereby permitted full details of the proposed shared access road width a minimum of 4.1m, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Condition 3 - Provision of Visibility Splays

Prior to the first occupation of the development hereby permitted (or prior to the commencement of the use hereby permitted) a visibility splay measuring 2.4 x 43metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

4.4 Landscape Officer

4.4.1 The Landscape Officer was verbally consulted on the application and raised no objections to the proposed development.

4.5 Environmental Protection

4.5.1 No comments received.

4.6 Fire Protection Department

4.6.1 **Access & Facilities**

1. Access for fire fighting vehicles should be in accordance with The Building Regulations 2010 Approved Document B (ADB), section B5, sub-section 16.
2. Access routes for Hertfordshire Fire and Rescue Service vehicles should achieve a minimum carrying capacity of 18 tonnes.
3. Turning facilities should be provided in any dead-end route that is more than 20m long. This can be achieved by a hammer head or a turning circle designed on the basis of Table 20 in section B5.

4.6.2 **Water Supplies**

1. Water supplies are not adequate. Water supplies should be provided in accordance with BS 9999.
2. This authority would consider the following hydrant provision adequate:

* Not more than 60m from an entry to any building on the site.
* Not more than 120m apart for residential developments or 90m apart for commercial developments.
* Preferably immediately adjacent to roadways or hard-standing facilities provided for fire service appliances.
* Not less than 6m from the building or risk so that they remain usable during a fire.
* Hydrants should be provided in accordance with BS 750 and be capable of providing an appropriate flow in accordance with National Guidance documents.
* Where no piped water is available, or there is insufficient pressure and flow in the water main, or an alternative arrangement is proposed, the alternative source of supply should be provided in accordance with ADB Vol.2, Section B5, Sub section 15.8.

1. In addition, buildings fitted with fire mains must have a suitable hydrant sited within 18m of the hard standing facility provided for the fire service pumping appliance.

The comments made by this Fire Authority do not prejudice any further requirements that may be necessary to comply with the Building Regulations.

4.7 Thames Water

4.7.1 No comments received.

4.8 Affinity Water

4.8.1 No comments received.

5. **Neighbour Consultation**

* 1. Site Notice: Site notice posted 24 April 2017 and expired 15 May 2017.

5.1.2 Neighbours consulted: 6

5.1.3 Number of responses: 1

5.1.4 Summary of Responses:

* Impact on local highway network traffic disruption
* Overcrowding
* Loss of the spacious character of Gypsy Lane

5.1.5 Officers response: The impact of the proposed development on the character and appearance of the wider area and impact on the local highway network will be assessed in the analysis section of this report below.

6. **Reason for Delay**

6.1 Site visit.

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, DM4, DM6, DM7, DM10 and DM13 and Appendices 2 and 5.

7.4 The Site Allocations LDD:

7.4.1 The Site Allocations LDD was adopted on 25 November 2014 having been through a full public participation process and Examination in Public. Relevant policies include SA1.

7.5 Other

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

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

7.5.3 Affordable Housing Supplementary Planning Document – Approved June 2011.

8. **Analysis**

8.1 Principle of Residential Development

8.1.1 The proposed development would result in a net gain of two dwellings. The site is not identified as a housing site in the adopted Site Allocations document. However, as advised in this document, where a site is not identified for development, it may still come forward through the planning application process where it will be tested in accordance with relevant national and local policies.

8.1.2 Policy CP2 of the Core Strategy (adopted October 2011) stipulates that in assessing applications for development not identified as part of the District’s housing supply, including windfall sites, applications will be considered on a case by case basis having regard to:

1. The location of the proposed development, taking into account the Spatial Strategy
2. The sustainability of the development and its contribution to meeting local housing needs
3. Infrastructure requirements and the impact on the delivery of allocated housing sites
4. Monitoring information relating to housing supply and the Three Rivers housing targets.

8.1.3 Policy CP3 of the Core Strategy stipulates that housing development should make the most efficient use of land, without compromising the quality of the environment and existing residential uses.

8.1.4 The application site is within Abbots Langley which is identified as a Key Centre in the Core Strategy. The Spatial Strategy of the Core Strategy advises that new development will be directed towards appropriate infilling opportunities within the urban areas of Key Centres. Policy PSP2 advises that Key Centres will provide approximately 60% of the District's housing requirements over the plan period.

8.1.5 Three Rivers does currently have a five year supply of identified land for housing against the target in the Core Strategy and the application site is not considered to be previously developed land but would be development on garden land. However, the site is located within a Key Centre and is adjacent to other residential development and as such development may not be objected to subject to other considerations later set out in this report.

8.2 Design & Impact on Street Scene

8.2.1 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’.

8.2.2 In terms of new residential development, Policy DM1 advises that the Council will protect the character and residential amenity of existing areas of housing from forms of ‘backland’, ‘infill’ or other forms of new residential development which are inappropriate for the area. Development will only be supported where it can be demonstrated that the proposal will not result in:

1. Tandem development
2. Servicing by an awkward access drive which cannot easily be used by service vehicles
3. The generation of excessive levels of traffic
4. Loss of residential amenity
5. 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.).

8.2.3 The Design Criteria at Appendix 2 of the Development Management Policies document set out that new development should not be excessively prominent in relation to the general street scene and should respect the character of the street scene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials. Development at first floor level should be set in from flank boundaries by a minimum of 1.2 metres.

8.2.4 The proposed subdivision of the site and erection of two new detached dwellings to the rear of the site would constitute ‘backland’ development which Policy DM1 of the Development Management Policies LDD seeks to protect the character and residential amenity of existing housing areas from, where it is inappropriate for the area.

8.2.5 In this instance, the development pattern of this part of Gypsy Lane is of large detached dwellings set within large spacious plots; however the wider character of the area is mixed with plot sizes varying with other recent backland form of developments evident such as the dwellings on Hunton Close. Fernhills to the south of the application site also results in dwellings set to the rear of others on Gypsy Lane, and there are views through the application site of existing dwellings at the rear on Hunton Close, with planning permission also granted for development of dwellings to the rear of No.18 Hunton Bridge Hill. The existing dwelling and neighbouring dwellings to the north share a relatively uniform front building line set back approximately 10 metres back from the highway, whereas the properties to the south are sited further into their respective plots; most notably No.12 Gypsy Lane which is approximately 22 metres back from the highway. As such the construction of two dwellings to the rear of the application site would continue the staggered build pattern from the south and would not be significantly detrimental to the character and appearance of the area. As such, while it may be considered backland, it is not considered that the backland nature of the development would be inappropriate for the area such that the nature of the development would be harmful or contrary to the requirement of Policy DM1.

8.2.6 The dwellings to the rear would be served by utilising one of the existing access points from Gypsy Lane. The existing dwelling would benefit from its own individual access within the northern corner of the site. The assessment of the access arrangements to the new development would be addressed later in this report however whilst it is noted that the construction of two new dwellings would intensify the use of the site in comparison to existing, it is not considered that it would generate excessive levels of traffic to the detriment of the area.

8.2.7 With regards to plot sizes, those dwellings located along Gypsy Lane are set within large spacious plots measuring approximately 40-65 metres in depth and 10- 20 metres in width. However the properties to the west along Hunton Bridge Hill, Hunton Close and Fernhills are set within smaller plots measuring 30-35 metres in depth and 11-15 metres in width. The existing dwelling would have a reduced plot measuring 32 metres in depth and a maximum width of 17 metres at the front but narrowing to the rear. The proposed plots to the rear would measure between 21-23 metres in depth and 11 metres in width at the front, widening to 15 metres at the rear. Whilst the plot sizes of the existing dwelling and the two proposed would be smaller than those along Gypsy Lane, they would not be significantly out of character with the surrounding development pattern to the west and is not considered to result in demonstrable harm to the character of the area.

8.2.8 The Design Criteria at Appendix 2 of the Development Management Policies LDD (adopted July 2013) state that two storey should be positioned with a minimum of 1.2 metres between development at first floor level and flank boundaries. The proposed dwellings would be set 1.5 metre from the adjacent outside flank boundaries and 1.2 metres from the common boundary between the two new dwellings. In addition, a distance of 1.2 metres is retained between the existing dwelling and its new southern flank boundary. These distances accord with the Design Criteria at Appendix 2 and ensuring that appropriate spacing is maintained between the dwellings and their respective boundaries.

8.2.9 In relation to the design of the two detached dwellings, the surrounding area is mixed and as such the construction of detached dwellings with pitched roof forms would not be out of character with the wider area. The submitted application form states that the proposed dwellings would have a bricked exterior with timber framed doors and windows and plain clay tiles, whilst the area is mixed in character a condition will be attached to any consent requiring details and samples of the proposed external materials to be used.

8.2.10 To ensure future control of development to the proposed new dwellings, it is considered appropriate to remove Permitted Development Rights and an appropriate condition would be attached to any consent.

8.3 Impact on Residential Amenity

8.3.1 Policy CP12 of the Core Strategy states that development proposals should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

8.3.2 The Design Criteria at Appendix 2 of the Development Management Policies document states that extensions should not be excessively prominent in relation to adjacent properties and not result in loss of light to the windows of neighbouring properties nor allow overlooking. Two-storey development at the rear of properties should not intrude into 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.

8.3.3 The existing dwelling would be retained and as such there would be no change in the relationship between this dwelling and neighbouring properties.

8.3.4 Due to the location of the proposed dwellings, spacing and land level differences it is not considered that the proposed development would result in any significant loss of light or become an overbearing form of development to the residential amenities of the either No.8 or No.12 Gypsy Lane.

8.3.5 In relation to privacy, Appendix 2 of the Development Management Policies LDD sets out that distance between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing on to each other. Distances should be greater in situations where there are site level differences involved.

8.3.6 The rear of the application site backs onto the private amenity space of No.18 Hunton Bridge Hill. This property has recently been demolished and work has begun to construct three new detached dwellings following grant of planning permission 17/0197/FUL. The proposed development subject to this application would back onto the flank wall and rear private amenity space of one of the new detached dwellings approved under 17/0197/FUL. The submitted plans state that a distance of 14 metres would be maintained between the proposed dwellings and the common boundary; however this distance is taken from the furthest point between the dwellings and the boundary. At their closest point, there is a separation distance of between 12.5-13 metres which would be short of the 14 metre distance as stated in the Design Criteria. Whilst these distances fall short, Plot 2 would be abutting the flank elevation of the new dwelling and would not result in any significant overlooking to the private amenity space of this neighbouring property or views of habitable windows. The shortfall between Plot 1 and the rear boundary is not considered significant and the closest distance between the two would be located at the rear end of the amenity space of this new dwelling within the adjacent site and the maximum distance of 14 metres would be retained between the dwelling in Plot 1 and the private zone directly abutting the rear of the new dwelling in the adjacent site. Therefore it is not considered that there is significant harm through any overlooking to justify refusal of planning permission in this regard. Furthermore, there is existing laurel hedging and mature trees which line the south-western corner of the site which, although they cannot be solely relied upon, would provide some screening.

8.3.7 There is no glazing proposed within the flank elevations of the proposed two dwellings which would ensure that no direct overlooking would occur towards the residential amenities of No.8 or 12 Gypsy Lane. Whilst there may be an increased perception of overlooking from the first floor glazing proposed within the front elevation of the proposed dwelling within Plot 2 towards No.8 Gypsy Lane; the glazing proposed would be set in from the common boundary by approximately 2.8 metres and would face towards the rear of No.10 Gypsy Lane and therefore is not considered to result in significant harm in terms of overlooking towards the residential amenities of No.8 Gypsy Lane.

8.3.8 With regards to overlooking from the dwelling within Plot 1 towards No.12 Gypsy Lane, this neighbouring property is positioned at a similar distance back from the highway as the proposed dwelling with Plot 1 and with no flank glazing proposed, it is not considered that any significant overlooking would occur towards the residential amenities of No.12 Gypsy Lane.

8.3.9 The proposed dwellings would face towards the rear of No. 10 Gypsy Lane. While there would be a distance of approximately 21m between the front elevations of the proposed dwelling and this existing property at the closest point which would fall short of the 28m guideline distance to provide privacy, given that this dwelling is part of the application site and the land levels are such that the proposed dwellings would be on land 2.2 metres lower than that of the existing dwelling it is not considered that there would be an unacceptable impact on the amenity of occupiers of No. 10 to justify refusal of permission.

8.3.10 As such, it is considered on balance that the proposed development would not result in any significant harm to surrounding neighbouring amenity in terms of loss of light or become an overbearing form of development so as to justify refusal of planning permission.

8.4 Amenity of Future Occupiers

8.4.1 As a result of the staggered relationship of the two proposed detached dwellings, the dwelling in Plot 2 would intrude on a 45 degree splay line drawn from the boundary level with the rear wall of the dwelling in Plot 1 by 0.6 metres. Whilst there would be some intrusion, there is a turning area proposed between the two dwellings which would separate the two properties by a minimum of 2.4 metres and the 0.6 metre intrusion is not considered significant to result in the dwelling within Plot 2 causing any significant loss of light or become an overbearing form of development to the residential amenities of future occupiers of the dwelling within Plot 1.

8.4.2 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels of disposition or privacy, prospect, amenity and garden space and specific standards for provision of amenity space are set out in Appendix 2 of the Development Management Policies LDD. The indicative standards state that a three bedroom dwelling should provide 84sq. metres and that a four bedroom dwelling should provide 105sq. metres of amenity space.

8.4.3 The proposed site plan indicates that the existing dwelling would retain a private amenity space measuring approximately 205sq. metres and the proposed new dwellings would have amenity spaces of approximately 185sq. metres. As such, the level of amenity space would exceed the minimum amenity space standards set out in Appendix 2 of the Development Management Policies LDD. A condition would also require provision of appropriate boundary treatment.

8.5 Parking/Access/Highways

8.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District. The Parking Standards set out that a three bedroom dwelling should provide 2.25 spaces per dwelling (2 assigned spaces).

8.5.2 The submitted site plan (1898-01) indicates that the dwelling in Plot 1 would benefit from three off-street parking spaces and the dwelling within Plot 2 would be allocated 2 off street parking spaces with a further space shown within the turning circle. Therefore both dwellings would be served by sufficient off-street parking provision in accordance with the Parking Standards as set out above.

8.5.3 The existing dwelling would retain a driveway and double garage along the northern boundary of the site which would be sufficient to serve this dwelling.

8.5.4 The existing access within the northern corner of the application site would be retained to serve the existing dwelling and the two new dwellings would be served by the existing access located at the south side and it is proposed to widen this access. The Highways Officer was consulted on the proposed development and considered that both the access points would be acceptable and raised no objection.

8.5.5 The Highways Officer also considered that the intensification of use associated with the introduction of two new dwellings is unlikely to generate unreasonable impacts on safety and operation of adjoining highway networks. The Highways Officer did comment that the proposed width of the shared access road and the present visibility splays of the southern access point were deemed inadequate and suggested conditions are attached to any consent requiring full details of the shared access and visibility splays. Given the nature of Gypsy Lane, a construction management plan would also be required to ensure that there would not be unacceptable impacts during construction.

8.6 Refuse/Re-cycling

8.6.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document 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.

8.6.2 An individual area for the storage of refuse and recycling facilities for the proposed dwellings is indicated on the submitted plans which would make adequate provision in accordance with Policy DM10 of the Development Management Policies document and the Highways Officer raised no objection in this regard.

8.7 Wildlife & Biodiversity

8.7.1 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.

8.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. Both Herts Ecology and Herts & Middlesex Wildlife Trust were consulted on the application however no responses were received. Given the nature of the site and the proposed development, it is not considered that there would be harm to biodiversity.

8.8 Trees

8.8.1 While it is noted that trees were removed from the site prior to submission of the application, these were not protected. The proposed development would not result in the loss of any of the existing trees within the site which are shown on the proposed site plan. As previously mentioned at paragraph 3.1.7 the close boarded timber currently in situ on the site does not reflect what is shown on the proposed site plan and as such some of the trees along the common boundary with No.8 Gypsy Lane are not included within the private amenity space of the existing dwelling as shown on the submitted plan.

8.8.2 Additional tree planting is proposed and the Landscape Officer was consulted on the application and raised no objection to the proposed development. Nevertheless a condition would be attached to any consent requiring details of hard and soft landscaping proposed to indicate the clear locations of the existing trees on site and the location of all new proposed planting.

8.9 Sustainability

8.9.1 Policy DM4 of the Development Management Policies document states that 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 are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.

8.9.2 The application is accompanied by an energy statement prepared by Compass Energy Solutions dated January 2017 which identifies that the proposal would achieve a 6.1% CO2 saving over Building Regulations 2013. A condition would require that works are carried out in accordance with this statement.

8.9.3 Any development would need to be built in accordance with Building Regulations which would include provision of appropriate drainage.

8.10 Affordable Housing & Infrastructure Contributions

8.10.1 Policy CP4 of the Core Strategy requires development that would result in a net gain of one or more dwellings to contribute to the provision of affordable housing. The Affordable Housing Supplementary Planning Document was approved by the Council in June 2011 as a material consideration and supports implementation of Policy CP4.

8.10.2 However, following the appeal decision overturning the previous High Court judgement and 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 floorspace of no more than 1,000sqm. As a result, the Local Planning Authority would not currently require contributions towards affordable housing for sites which are below these thresholds, such as the current application.

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 B' within which the charge per sq. metre of residential development is £120.

9. **Recommendation**

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

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1898-01, 1898-02, 1898-03, K2816-T and TRDC 001 (Location Plan).

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM7, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

C3 The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and facilities for mud and dust control have been submitted to and approved in writing by the Local Planning Authority. The relevant details shall be submitted in the form of a Construction Management Plan and the approved details shall be implemented throughout the construction programme.

Reason: This is a pre commencement condition in order to minimise danger, obstruction and inconvenience to users of the adjacent highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C4 Prior to commencement of the development hereby permitted, a further detailed plan for widening of access arrangements shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C5 Prior to the commencement of the development hereby permitted full details of the proposed shared access road width a minimum of 4.1m, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C6 No development shall take place until details of the existing site levels and the proposed finished floor levels and sections of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: This condition is a pre commencement condition in order to ensure a satisfactory form of development relative to surrounding buildings and landscape and to meet the requirements of 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).

C7 Before above ground building operations 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 ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C8 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 affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development.

All hard 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 carried out in accordance with a programme to be agreed before development commences and shall be maintained including the replacement of any trees or plants which die are removed or become seriously damaged or diseased in the next planting season with others of a similar size or species, for a period for five years from the date of the approved scheme was completed.

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).

C9 Prior to the first occupation of the dwellings hereby approved a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be erected in accordance with the approved details prior to first occupation of the dwellings hereby approved.

Reason: To safeguard the visual amenities of neighbouring properties and the character of the locality in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C10 Should they be required, detailed proposals for fire hydrants serving the development as incorporated into the provision of the mains water services for the development, whether by means of existing water services or new mains or extension to or diversion of existing services or apparatus, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development. The development shall thereafter be implemented in accordance with the approved details prior to occupation of any building forming part of the development.

Reason: To ensure that there is adequate capacity for fire hydrants to be provided and to meet the requirements of Policies CP1 and CP8 of the Core Strategy (adopted October 2011).

C11 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 B – addition or alteration to the roof

Class E – buildings incidental to the enjoyment of a dwellinghouse

Part 2

Class A – 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, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C12 Prior to the first occupation of the development hereby permitted (or prior to the commencement of the use hereby permitted) a visibility splay measuring 2.4 x 43metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: This condition is a pre commencement condition in the interests of highway safety and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C13 The development shall not be occupied until the energy saving and renewable energy measures detailed within the Energy Statement prepared by Compass Energy Solutions dated January 2017 as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

9.1.2 **Informatives**

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £97 per request (or £28 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. The Council's Building Control section can be contacted on telephone number 01923 727132 or at www.threerivers.gov.uk for more information and application forms.

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. Information on this is also available from the Council's Building Control section. 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.