**9. 16/0901/RSP - Part Retrospective: Increase ridge height of garage roofs on nos. 1 and 3; alterations to fenestration including replacement windows with French doors; installation of access hatches to roofs , at 1-3 HOLLOWTREE MEWS, CROXLEY GREEN, HERTFORDSHIRE for Mr Ben Smith**

|  |  |
| --- | --- |
| Parish: Croxley Green Parish Council | Ward: Dickinsons |
| Expiry Statutory Period: 28/06/2016 | Officer: Denis Toomey |
|  |  |
| Recommendation: That Planning Permission be Granted | | |
|  | | |
| This application is brought before the Committee at the request of Croxley Green Parish Council and three members of the Planning Committee  Update: The application was considered at the June Planning Committee where it was deferred for a site visit on the 16 July 2016. | | |

1. **Relevant Planning History** 
   1. 09/1532/FUL - Redevelopment and change of use from scaffolding yard to residential to provide 5 detached houses with 10 off-street parking spaces at 23A New Road. Withdrawn November 2009.
   2. 09/2041/FUL - Redevelopment and change of use from scaffolding yard to residential to provide 4 detached houses with 8 off street parking spaces. Refused February 2010 for the following reasons:

R1 The proposed scheme would result in a poor and cramped layout, exacerbated by the plot sizes, building footprint, plot frontage width, height, gaps between buildings, poor parking layout and poor aspect of the dwellings. In addition, future pressure would be placed on a mature sycamore tree due to the siting and proximity of the dwelling and garden on Plot 4. As such the proposal would be to the detriment of the character and appearance of the locality contrary to Policies H14, N15, N16, GEN3 and Appendix 2 of the Three Rivers Local Plan 1996-2011.

R2 The submitted Design and Access statement does not cover the principal headings as set out in the CABE advice - ‘Design and Access Statements: How to write, read and use them’. It does not address the matters that are expected to be included for a development of this nature and is considered insufficient and as such is contrary to Policy D1 of the Three Rivers Local Plan 1996-2011.

R3 It has not been demonstrated that any sustainable / renewable energy measures would be incorporated into the scheme, resulting in an unsustainable development contrary to Policy GEN1 and Appendix 1 of the Three Rivers Local Plan 1996-2011 and SPD – Sustainable Communities.

* 1. Appeal of 09/2041/FUL dismissed November 2010. The Inspector concluded that the development would be cramped and harmful to the character and appearance of the area, and that there was a lack of detail regarding sustainable development and renewable energy measures.
  2. 12/1749/FUL - Removal of existing scaffolding yard and creation of residential development of 3 detached properties with roads sewers and all ancillary works. Refused December 2012 for the following reasons:

R1 The proposed scheme, by reason of the excessive building footprint to plot size ratio, bulk and scale of the dwellings, poor building and parking layout and inadequate parking provision, would result in overdevelopment of the site and give rise to a cramped and contrived form of development. This would be to the detriment of the character and appearance of the area and residential amenities of future occupiers, contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011), Saved Policies H14, T8, GEN3 and Appendices 2 and 3 of the Three Rivers Local Plan 1996-2011 and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (Proposed Submission Version).

R2 The proposed development fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and SPD: Affordable Housing (approved June 2011) in that the scheme is for market dwellings and no contribution has been made towards the provision of affordable housing.

R3 The proposed development would result in a significant increase in demand for education, libraries, childcare facilities, youth facilities, open space/children’s play space and sustainable transport provision in the area. There is currently a shortage of these facilities in the area. The proposed development would exacerbate this situation and in the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990 fails to recognise the impact of the development upon these services. The application therefore fails to meet the requirements of Policies PSP2, CP1, CP8 and CP10 of the Core Strategy (adopted October 2011), Saved Policies T7 and L10 of the Three Rivers Local Plan 1996 – 2011, Policy DM11 Development Management Policies LDD (Proposed Submission Version) and SPD: Open Space, Amenity and Children’s Playspace (adopted December 2007).

* 1. 13/0409/FUL - Removal of existing scaffold yard and creation of residential development of 3 detached houses with road sewers and all ancillary works. Refused June 2013 for the following reasons:

R1 The proposed scheme, by reason of the bulk and scale of the dwellings in relation to their plot size, and the unsatisfactory parking layout requiring tandem parking of vehicles on Plots 1 and 2, would result in a cramped and contrived form of development. As such it would constitute an over-development of the site to the detriment of the character and appearance of the area and the residential amenities of future occupiers contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011), Saved Policies H14, T8, GEN3 and Appendices 2 and 3 of the Three Rivers Local Plan 1996-2011 and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (Proposed Submission Version).

R2 The siting of the dwelling on Plot 3, and its proximity to trees shown to be retained on the eastern site boundary, will result in the garden and rear elevation of the dwelling being dominated by vegetation, and is likely to place future pressure for tree works on the mature Sycamore tree subject to a TPO in the north east corner of the site contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Saved Policy N15 of the Three Rivers Local Plan 1996-2011 and Policy DM6 of the Development Management Policies LDD (Proposed Submission Version).

* 1. Appeal of 13/0409/FUL was allowed in May 2014.
  2. 14/0346/FUL - Removal of existing scaffolding yard and creation of residential development of 3 dwellinghouses with accommodation in roofspace with roads and all ancillary works. Permitted July 2014.
  3. 15/0212/FUL - Removal of existing scaffolding yard and creation of residential development of 3 dwellinghouses with accommodation in roofspace with roads and all ancillary works (amendment to planning permission 14/0346/FUL (Removal of existing scaffolding yard and creation of residential development of 3 dwellinghouses with accommodation in roofspace with roads and all ancillary works) in respect of legal agreement under Section 106 of the Town and Country Planning Act). Permitted March 2015. Works commenced and ongoing.
  4. 15/1085/FUL - Variation of Condition 2 (plan numbers) of planning permission 15/0212/FUL to allow for amendments to approved scheme to omit rooflights and provide dormers, to alter external elevations, to increase height of garage roofs and to install roof access hatches. Withdrawn August 2015.
  5. 15/2110/RSP - Part Retrospective: Alterations to provide two rear dormers to each dwelling in place of approved rooflights. Permitted. December 2015. Implemented.
  6. 16/0485/RSP - Part Retrospective: Increase ridge height of garage roofs on nos. 1 and 3; alterations to fenestration including replacement windows with French doors; installation of access hatches to roofs. Withdrawn. August 2016.
  7. 15/0273/COMP – Enforcement Enquiry: Works not in accordance with plans. Pending Consideration.

1. **Site Description**
   1. The application site was previously known as 23a New Road. The site is a former scaffolding yard with an area of approximately 0.15 ha which has been previously granted planning permission for change of use to a residential site with the erection of 3 detached dwellings. Works have commenced on site following the grant of application 15/0212/FUL, as amended by application 15/2110/RSP.
   2. The application site has a gated access drive some 45 metre in length; the gates are set back from New Road and the driveway itself is bounded by residential dwellings to the east and west of the site. The main part of the application site is bounded by numbers 17 – 25 New Road to the south; Sundial Cottage to the west; public tennis courts, sports ground and associated car park to the north; and a disused builder’s yard to the east which is also accessed via a long drive from New Road.
   3. A small part of the site (south-western corner and part of the access road) lies within the Croxley Green Conservation Area. A public footpath abuts the rear (northern) site boundary. There are Locally Listed Buildings in the vicinity, including Sundial Cottage and 17 New Road.
2. **Description of Proposed Development** 
   1. Planning permission 15/0212/FUL granted consent for the ‘removal of existing scaffolding yard and creation of residential development of 3 dwellinghouses with accommodation in roofspace with roads and all ancillary works’. Furthermore application 15/2210/RSP granted consent for ‘alterations to provide two rear dormers to each dwelling in place of approved rooflights’.
   2. The current application seeks further amendments to the consented development to increase ridge heights of the garage roofs associated with units No’s 1 and 3. Additionally the application seeks to include alterations to fenestration by replacing windows with French doors, providing a canopy over the bay windows to No’s 1 and 3 and adding access hatches to the roofs.
   3. The garage at unit 1 would be increased in height by approximately 0.5m to approximately 5.8m and the garage that is linked to unit 3 would be increased in height by approximately 0.4m to 6.2m.
   4. Unit 1 contains an extra set of French doors a ground floor level to the rear elevation and a door on the western flank elevation of the attached garage would be omitted. An additional window would be added towards the eastern flank elevation at the front of the Unit 1 which reflects the fenestration previously approved on the floor plan linked to the previous consent (15/2110/RSP). Unit 2 includes alterations to ground floor level to the rear of the property and would also have a set of French doors. Unit 3 has alteration to the fenestration on the eastern flank elevation of the property. One window is included at first floor level instead of two windows. In addition to this four windows and a door are inserted at ground floor level rather that four windows and two doors that were previously granted under 15/0212/FUL and as amended by application 15/2110/RSP. To the rear elevation, a set French doors would replace a window.
   5. Front canopies would be added to the front of Units 1 and 3. The existing canopies would extend on to the roofs of the bay windows to the front of both properties.
   6. All three properties would have roof hatches to provide access to their roofs.
3. **Consultation**
   1. **Statutory Consultation** 
      1. National Grid: no comments received.
      2. Croxley Green Parish Council: made the following comments:

*The Council wish to reiterate the comments made on 2 July 2015 regarding application 15/1085/FUL, which was subsequently withdrawn, that there were no grounds for objection subject to the planning officer being satisfied that there is no breach of planning guidelines given the conditions under which the application 15/0212/FUL had been granted. It is evident from the current proposals that there is to be intensification in use of the properties from the granted planning application with all the associated implications and this was borne out by the concerns expressed by representations from the public. Condition number 6 is noted and it is essential that this condition is strictly applied.*

*The small adjustments in the current proposals has increased the size of buildings which had they been contained in the original proposals may have given cause for concern in respect of original planning permission. It is considered that these types of incremental changes from original planning permission undermine the planning system.*

*Accordingly, it is requested that this application be referred to the Development Control Committee for review.*

* + 1. Conservation Officer: made the following comments:

*The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving the setting of a listed building and also special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.*

*National Planning Policy Framework sets out objectives for protecting and enhancing the historic built environment. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on a designated heritage asset, such as a Conservation Area, great weight should be given to the asset’s conservation.*

*Policy DM3 v) of the Development Management Policies LDD (2013) states that development will only be permitted if the proposal does not harm important views into, out of or within the Conservation Area.*

*The application site is located just on the boundary of the Croxley Green Conservation Area, however due to its set back position as an infill development behind the roadside houses the development has no negative impact on views from the Conservation Area, and as such meets Policy DM3 v).*

* + 1. HCC-Footpath Section: no comments received.
  1. **Public Consultation**

4.2.1 Number consulted: 15 Number responses received: 4

4.2.2 Site Notice: Expired: 03 June 2016 Press notice: Expired 03 June 2016

4.2.3 **Summary of Responses**

- the large increase in the size and bulk of the properties is a concern particularly overlooking the north elevation namely Stones Orchard and Dickinsons Sports Tennis Club. This elevation completely dominates the street scene.

- The garages have appearances of a full size houses which is built right up to the boundary.

- The fenestration would result in overlooking.

- The hatches would result in in further rooms being constructed with increase in population density which create traffic and parking problems.

- The application increases the size and height of the buildings affecting the view from The Green, Stones Orchard, New Road and neighbouring properties in the Conservation Area.

- The development breaks the tree line view from Stones Orchard in the Conservation Area.

- The increase in roof height of the garages would have a negative impact on the skyline when viewed from Stones Orchard and makes the houses very imposing as they are built up to the site’s boundaries. This has destroyed the historic ambience of the Conservation Area.

- Objection to developer making further retrospective applications contrary to conditions.

- The alterations made would have meant original application would have been refused.

4.2.4 **Officer Comment**

- While a condition on the previous permission removed permitted development rights for extensions and alterations, the reason for the condition is to provide an opportunity for the impact of further development to be assessed through submission and consideration of a planning application rather than to prevent any development.

- The additional concerns raised will be referred to below in the report.

1. **Reason for Delay**
   1. Committee site visit.
2. **Relevant Planning Policy, Guidance and Legislation**

6.1 The Three Rivers Local Plan

The Core Strategy was adopted on the 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP8, CP9, CP10 and CP12.

The Development Management Policies Local Development Document (LDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM13 and Appendices 2 and 5.

6.2 National Planning Policy Framework (NPPF)

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

6.3 Other

The Croxley Green Conservation Area Appraisal (1996) is also relevant.

The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.

The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.

1. **Planning Analysis** 
   1. Principle of Development
      1. As noted above, planning permission 15/0212/FUL granted consent for the ‘removal of existing scaffolding yard and creation of residential development of 3 dwellinghouses with accommodation in roofspace with roads and all ancillary works’. Furthermore application 15/2210/RSP granted consent for ‘alterations to provide two rear dormers to each dwelling in place of approved rooflights’.
      2. The current application seeks amendments to the design of the previously approved dwellings. The alterations would not result in the change of the footprint of the dwellings or result in a significant increase in the size of the overall properties previously approved under applications 15/0212/FUL and 15/2110/RSP and the following report considers the impact of the proposed amendments.
      3. Impact on Character and Appearance
      4. 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’.
      5. A small part of the site is within the Croxley Green Conservation Area and Policy DM3 of the Development Management Policies document is therefore relevant. This policy states that development should be of a design and scale that preserves or enhances the character or appearance of the area and does not harm important views into, out of or within the Conservation Area.
      6. The increase in ridge height of the garages to Units 1 and 3 would not be harmful to the street scene. The ridge height of the garage linked to Unit 1 has been increased by approximately 0.5m. The garage would be set down from the ridge of the Unit 1 by approximately 2.7m. Furthermore the ridge height of the garage associated with Unit 3 would remain set down from the ridge of this dwelling by approximately 2.8m. The slight increase in heights of both garages would not result in overly dominating features within the area and would not be prominent within the street scene as the garages are situated a significant distance from New Road. While the ridge height of the garages would be increased by 0.5m to Unit 1 and 0.4m to Unit 3, this would not result in inappropriate bulk to the properties or to demonstrable harm to the character of the dwellings or area in comparison to the consented development, and would not be prominent within the street scene. As such, it is considered that the alterations to both garages would not result in demonstrable harm to the character or appearance of the area to justify refusal of permission.
      7. Due to the slight increase in height of the garages no important views into, out or within the Conservation Area would be affected. It also worth highlighting that the majority of the site is not situated within a Conservation Area. New Road comprises of properties that vary in style and design and the height of the garages are not considered to have a negative impact on the Conservation Area given the location of the garages and their siting relative to the Conservation Area. Furthermore the Conservation Officer has raised no objections to the works associated with the application and stated that the development due to its set back position as an infill development behind the roadside houses it would not have a negative impact on the views from the Conservation Area.
      8. The alteration to the fenestration to the rear of the dwellings would not be visible from the street scene. While there could be some views from Stones Orchard to the north, the changes would be at ground floor level and would reflect the glazing of the dwellings and these minor alterations are therefore not considered to impede on the character of the street scene or general area. Furthermore the changes to the fenestration to the windows on the eastern flank elevation of Unit 3 would also not result in harm to the street scene due to the siting of the windows in relation to the New Road. Furthermore the alterations to the fenestration on the flank elevations of Unit 1 would not be readily visible from the street scene and the glazing implemented would not harm the overall character of the area.
      9. Canopies have been approved to the front door of units 1 and 3 under the previous consent (Application References: 15/0212/FUL and 15/2110/RSP). Under this current retrospective application, the canopies would be extended over the bay windows to the front of the properties. The canopies that have been added to the front elevation of Units 1 and 3 are considered minor alterations that would not have any negative impact to the street scene, given their scale and design which would reflect the dwellings.
      10. Additionally the introduction of the roof hatches to the roof of all three properties would not be harmful to the character of the area. The roof hatches would be inserted to the flat elements of the main roofs of the dwellings. As such these roof hatches would not be readily visible and as a result would not have a negative impact on the street scene or the Conservation Area.
      11. It is also noted that the flat roof sections of the properties currently contain photovoltaic panels.
      12. The proposed amendments to the development approved would not result in demonstrable harm to the character or appearance of the streetscene or wider Conservation Area and the proposal is considered to be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (2013).
      13. Impact on Neighbouring Residential Amenity
      14. Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. Policy DM1 and Appendix 2 of the Development Management Policies document set out that extensions 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.
      15. While it would be visible, the increase in the ridge height of the garage linked with Unit 1 would not result in a loss of light to the neighbours within the vicinity of the garage. The garage would be situated a significant distance (approximately 30m) from these neighbouring properties and would be to the north so would not cause loss of light or overshadowing to these properties. The garage would also remain hipped away from the boundaries and therefore would not appear overbearing to the residents located west and south of the garage.
      16. In addition to this the alteration to the garage associated with Unit 3 would also not result in a loss of light to the residents west and south of the site as they are also positioned a significant distance (approximately 20m) from the development and the roof design of this garage would also be hipped away from the boundaries and would be to the north and therefore would not cause overshadowing or have an overbearing impact on the residential amenities of the neighbours within the vicinity of the garage. It is noted planning permission has been granted for a dwelling at 27A New Road to the east under 11/2280/FUL although this has now expired. The increase in height of 0.4m to the garage would not cause demonstrable harm to neighbours to the east in comparison to this previous consent. The garage associated to the Unit 3 is hipped away from the properties to the east of the site and retains a significant amount of separation. The garages are not dissimilar to the layout of what was granted under application 15/0212/FUL. As such it is considered the relationship between the garages and the neighbours within the vicinity of the site would not impede on the residential amenities of these associated neighbours.
      17. The alterations to the fenestration to the rear of the properties would not result in any inappropriate overlooking to the residents located within the vicinity of the application site given the ground floor siting. The French doors would replace windows that have been previously granted. Furthermore the French doors to the rear of the properties would be directed towards the rear gardens linked to the properties and therefore no inappropriate overlooking would occur. The minor alterations to the western flank elevation of Unit 1 and the minor alterations to the flank elevations of Unit 3 would not result in any significant change to the previous applications (Application References: 15/0212/FUL and 15/2110/RSP), however a condition would require that the windows are obscured glazed and top level opening only to ensure no overlooking to neighbours. These minor alterations are not considered to harm the residential amenities of the neighbours within the vicinity of the application site.
      18. The alterations to the canopies to the front of Units 1 and 3 would not result in any loss of light to the residents within the neighbouring properties surround the site. These canopies are situated a significant distance from the neighbouring properties and would not harm the residential amenities of these neighbours.
      19. Additionally due to the positioning of the roof hatches no overlooking would occur to nearby residents.
      20. Overall, it is not considered that the alterations would result in a significant adverse impact on neighbouring dwellings and the development would be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.
      21. Trees
      22. Policy CP12 of the Core Strategy relates to the design of development and states that development should have regard to the local context and conserve the quality of an area. Policy DM6 of the Development Management Policies document requires that development proposals demonstrate that existing trees be safeguarded and managed during and after development in accordance with the relevant British Standard.
      23. There are no trees within the application site or neighbouring properties that would be harmed by the proposed development.
      24. Highways, Parking and Access
      25. Parking requirements are set out in Appendix 5 of the Development Management Policies document. The requirement for a property with 4 or more bedrooms is 3 spaces, all of which should be assigned within the curtilage.
      26. The approved dwellings under application 15/0212/FUL each benefited from four bedrooms at first floor level with a second floor room labelled as ‘storage’ and while application 15/2110/RSP amended the development to include dormers, the space was still shown to be storage. Neighbour comments regarding the additional population and parking demands associated with the development are noted however the changes proposed would not increase the requirement for parking of the properties within the site which would remain three spaces per Unit. Unit 3 benefits from three spaces within its curtilage, although Units 1 and 2 benefit from two. However, three further spaces are to be provided on the access road. One of these would be for visitor parking, one would serve Unit 1 and one would serve Unit 2. The proposed development would not affect the acceptability of this arrangement to serve the development however a condition on any consent would restrict the conversion of garages without consent to ensure this is maintained.
      27. Amenity Space
      28. Planning applications 15/0212/FUL and 15/2110/RSP were considered to have an acceptable impact on the amenity of future occupiers of the development and it is not considered that this would be affected by the proposed changes.
      29. Wildlife & Biodiversity
      30. 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.
      31. The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist has been submitted with the planning application and states that a Biodiversity Survey and Assessment is not required. However the proposal would include works to the existing roof form and therefore an informative would be attached to any grant of planning permission to ensure that if bats are found all works stop immediately and advice sought as to how to proceed.
2. **Recommendation**

8.1 That PART RETROSPECTIVE PERMISSION BE GRANTED and has effect from the date on which the development was carried out and is subject to the following conditions:

C1 Plans

The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: 5192/PL/LP Rev. A, 5192/PL/02 Rev. L, 5192/PL/03 Rev. N and 5192/PL/04 Rev. P.

Reason: For the avoidance of doubt, in the proper interests of planning and in accordance with Policies CP1, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Croxley Green Conservation Area Appraisal (1996).

C2 Materials

All new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building approved pursuant to condition 3 of planning permission 14/0346/FUL as agreed by the Local Planning Authority on 30 September 2014 (14/1601/DIS).

Reason: To ensure that the external appearance of the development is satisfactory 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).

C3 Removal of Permitted Development Rights

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 - enlargement consisting of an addition to the roof

Class C - alteration to the roof

Class D - erection of a porch

Class E - provision of any building or 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).

C4 Garages

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or (any Order revoking or re-enacting that Order with or without modification) the garages shall be retained primarily for the garaging of private cars. No alterations shall be carried out to the garages such as to prevent their use for garaging private cars.

Reason: Having regard to the limitations of the site and to ensure adequate parking provision is maintained in accordance with the requirements of Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

C5 Before the first occupation of the development hereby permitted the first floor flank windows shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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).

8.2 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 application form; the relevant form is available on the Council's website ([www.threerivers.gov.uk](../../../../Documents%20and%20Settings/rowleyk/Local%20Settings/Temporary%20Internet%20Files/Reports%202011/www.threerivers.gov.uk)). 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 the website above for more information and application forms.

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 Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

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).