**9. 16/1077/FUL – Part single storey and part two storey side and rear extension, internal alterations and alterations to fenestration at 98 WOLSEY ROAD, MOOR PARK, NORTHWOOD, HA6 2ED for Mr Sibtain Lalji**

|  |  |
| --- | --- |
| Parish: None | Ward: Moor Park and Eastbury |
|  |  |
| Expiry Statutory Period: 13 July 2016 | Officer: Rob Morgan |
|  | |
| Recommendation: That planning permission be granted | |
|  | |
| Reason for consideration by the Committee: Called in by 3 Members | |

1 **Relevant Planning History**

1.1 16/0339/FUL - Part single storey and part two storey side and rear extension, loft conversion including three dormers, internal alterations and alterations to fenestration. Refused 20.04.2016 for the following reasons:

*R1 The proposed development by reason of its excessive depth, width, bulk and massing and inappropriate design would adversely affect the character and appearance of the host dwelling, street scene and wider Conservation Area, contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).*

*R2 In the absence of an outline bat mitigation plan it has not been demonstrated that the proposed development would not have an adverse impact on any protected species which may be present within or use the site. Failure to provide information results that necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected species or their habitats contrary to Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).*

1.2 15/2313/PREAPP - Single and two storey extension, conversion of roof space to habitable accommodation including provision of rooflight, internal alterations and alterations to fenestration. Summary of response dated 18.12.2015:

*‘It is considered that the proposed development would contain an excessive depth and would result in unacceptable bulk and mass to the property and would significantly alter the character of the pre-application property which is a pre-1958 dwelling in the Conservation Area. The development would be unduly prominent and would have a significant impact on the street scene and the wider Conservation Area. The proposed rooflights of the development would impede on the Conservation Area due to their size and siting. As a result, the development would be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, the Moor Park Conservation Area Appraisal and the NPPF.*

*The proposed first floor flank windows and rooflights would result in overlooking to the rear gardens of residents at nos. 1 and 3 Heathside Road and the neighbour at no. 102 Wolsey Road. Therefore, the proposed development would be contrary to Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.’*

1.3 W/1458/70 – Extensions to dwellinghouse (garage, enlarged porch and provide W.C. on ground floor). Permitted 23.06.1970 and implemented.

2. **Detailed Description of Application Site**

2.1 The application site is a large rectangular plot located on the west side of Wolsey Road and close to the junction with Heathside Road to the north. The site is within the Moor Park Conservation Area; an area characterised by detached dwellings of varied architectural styles located on large plots with generous spacing between buildings.

2.2 The plot contains a white rendered dwelling with hipped roof and side catslide feature which adjoins an attached single storey flat roofed garage extension. The dwelling is set back from the road by approximately 15m and is built in closer proximity to the northern flank boundary with a separation of approximately 13m to the south flank boundary. The frontage consists of a carriage driveway and a detached pitched roofed garage is built close to the south flank boundary.

2.3 The applicant’s Design and Access Statement identifies that the dwelling was originally built in the 1920s as a school and existing extensions to the building include a two storey rear extension constructed during the 1930s and a front porch, garage and WC extension constructed in the early 1970s. The property was converted to a residential dwelling in the 1950s. The Council’s planning history records support the applicant’s Statement.

2.4 The site adjoins the rear boundaries of nos. 1 and 3 Heathside Road to the north, the flank boundary of no. 5 Heathside Road to the rear and no. 102 Wolsey Road is to the south. All properties are detached dwellings set in spacious plots in keeping with the general character of the Conservation Area.

3. **Detailed Description of Proposed Development**

3.1 This application seeks full planning permission for a part single storey and part two storey side and rear extension, internal alterations and alterations to fenestration

3.2 At ground floor level the development would result in stepped building lines, particularly to the flanks. The dwelling would be off-set from the north side boundary by a minimum of 1.5m and would have a depth of 17.2m. The rear wall would measure 15.5m in width and the south flank elevation would have a maximum depth of 17.2m. The central part of the dwelling would have a reduced width of 11.8m.

3.3 At first floor level the extensions would be concentrated to the north side of the dwelling and would be off-set from the boundary by approximately 3.2m with a width across the rear of 7m.

3.4 The proposed design would incorporate a series of mostly hipped roofs of varying heights; the existing crown roof element would be retained. The extensions would have a maximum height of 8.3m which would comprise the two storey side and rear extension to the north and the single storey extension to the south side would have a height of 5.6m.

3.5 The proposed works would also include new white render and replacement windows throughout.

3.6 During the course of the application amended plans have been received which have reduced the depth of the north flank wall by 0.9m and the south flank wall by 0.6m at ground floor level. The first floor of the two storey side and rear extension to the north has also been reduced by 1m in depth and has been further set in from the flank boundary by 0.5m. The roof design has been altered from a central sunken crown to retain the existing crown roof and create a traditional hipped roofed projection to the north.

3.7 The current application follows refusal of planning application 16/0339/FUL. The table below provides a comparison between the two schemes.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **16/0339/FUL** | **16/1077/FUL** | **Difference** |  |
| **Ground Floor** |  |  |  |  |
| **Max. depth – north flank** | 19.4m | 17.2m | -2.2m |  |
| **Max. depth – south flank** | 17.2m | 17.2m | 0m |  |
|  |  |  |  |  |
| **First Floor** |  |  |  |  |
| **Max. depth – north flank** | 17.4m | 16m | -1.4m |  |

3.8 Planning application 16/0339/FUL also included three dormer windows within the two storey rear extension and gablet roof forms.

4. **Consultation**

4.1 Landscape Officer

4.1.1 Summary: No objection – recommend conditions.

4.1.2 *‘I hold no objections to the proposal and my comments are the same as made on application 16/0339/FUL, which can be applied here. Those comments are set out below:*

*“I hold no objections to the proposal as there are few arboricultural constraints.*

*The site is within the Moor Park Estate Conservation Area and as such all trees are protected.*

*The surrounding Cupressus trees, at the rear, in the immediate vicinity of the existing structure are low grade.*

*A fence should be erected around the site in order to protect the existing grass, vegetation and trees.*

*I also note the comments made within the bat report from Arbtech regarding mitigation methodology for loss of any bat habitat. This must be adhered to.*

*The mature trees at the front on the highway verge are the ownership of Moor Park 1958 whom will need to be consulted. These trees should also be protected prior to any works.*

*The following conditions should be applied:*

* *No felling or lopping*
* *Tree Protection Scheme”’*

4.2 National Grid

4.2.1 No comments received.

4.3 Hertfordshire Ecology

4.3.1 No comments received.

4.4 Herts & Middlesex Wildlife Trust

4.4.1 Summary: No objection – recommend conditions.

4.4.2 *‘The ecological survey is acceptable and puts forward a number of avoidance/mitigation/enhancement/compensation measures. If all other elements of the development are acceptable, the following conditions should be applied to the decision to ensure the delivery of these measures and compliance with the legislation detailed in the report. The LPA should make sure they show regard to the answers to the 3 tests of the European Protected Species Mitigation Licence supplied when making their decision. The suggested conditions are adapted from the British Standard BS 42020 Biodiversity code of practice for planning and development:*

*Any works that disturb bat roosting places identified in the ecological appraisal (Arbtech 2016) shall not in any circumstances commence unless the local planning authority has been provided with a licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead.*

*Reason: To ensure compliance with the duties of the LPA to the Conservation of Habitats and Species Regulations 2010 and to ensure biodiversity is conserved and enhanced in accordance with NPPF.’*

4.5 Conservation Officer

4.5.1 Summary: No objection following amendments.

4.5.2 *‘My previous comments relating to 16/0339/FUL (refused) were:*

*“The National Planning Policy Framework (NPPF) sets out objectives for protecting and enhancing the historic built environment. Paragraph 132 of the NPPF 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 of the Development Management Policies LDD sets out the criteria against which proposals within Conservation Areas will be permitted.*

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

1. *Is of a design and scale that preserves or enhances the character or appearance of the area*
2. *Uses building materials, finishes, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context*
3. *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*
4. *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*
5. *Does not harm important views into, out of or within the Conservation Area*
6. *Protects trees, hedgerows and other significant landscape features and incorporates landscaping appropriate to the character and appearance of the Conservation Area*
7. *Results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing features.*

*I agree with the Moor Park (1958) Limited comments and consider that the bulk, scale, design and extent of the numerous external alterations and extensions, including changes to fenestration including bulky dormers set out in the application, will materially harm the character and appearance of the dwelling and consequently object to the alterations proposed to this 1920s building.”*

*Following the refusal of 16/0339/FUL, 16/1077/FUL was submitted but was:*

*“..still overly large and this is exhibited in the overly complex roof form shown on drawing 203 and would lead to an uncomfortable negative form in the Conservation Area. When compared with the previous proposal this overly complex form demonstrates the increased bulk and depth of this new proposal.*

*This overly complex form should be simplified.”*

*16/1077/FUL has now been further amended and is now in my view acceptable as the relationship with the main building is now more subservient and there will not be wide and harmful views in the Conservation Area.’*

4.6 Moor Park (1958) Ltd

4.6.1 Summary: Preserve and enhance the character of the property and Conservation Area.

4.6.2 *‘The Directors of Moor Park (1958) Limited would wish to raise the following comments on the application proposals as follows:-*

*Since the determination of the previous application that was refused under ref 16/0339/FUL, the applicant and his architect have been actively engaged with us in a very positive manner in seeking to address our previous concerns and overcome our objections.*

*This, in our opinion, has resulted in a very much improved form of development as now submitted in the current application that, not only reduces the scale, bulk, massing and very over-dominant form of extensions and alterations of the earlier scheme (that also contained, in our opinion, a number of discordant roof, fenestration and design features to this pre58 dwelling), but has now produced a scheme that very successfully respects and compliments the character, design, fenestration and materials of the original dwelling and produces what we consider to be a new set of extensions and alterations that are in keeping with the scale and proportions of the house and its plot.*

*As a result, in our opinion, the extensions and alterations as set out in this revised application will positively and successfully preserve and enhance the character and appearance of the property and its Conservation Area setting. Consequently we would wish to give it our full support and trust that the Council will have full regard to our comments in its consideration and determination of the application.*

*We trust the above response, based on what we regard as relevant and material planning considerations, primarily within the approved MPCAA, is of assistance to you.’*

5. **Neighbour Consultation**

5.1 No. consulted: 8 No. responses: 1

5.2 Site Notice: Posted 6 June 2016 and expired 6 June 2016.

Press Notice: Published 3 June 2016 and expired 24 June 2016.

5.3 Summary of Responses:

5.3.1 Concern in relation to the bulk of the extensions and impact on street scene. Vegetation is not sufficient to screen the development all year round as leaf cover is reduced in Autumn / Winter.

5.3.2 Extensions would result in a loss of outlook from neighbours and impact on privacy.

5.3.3 Comments were also received stating that the existing plans were not accurate. It was noted at the Officer’s site visit that the existing plans were incorrect and these have since been corrected.

6. **Reason for Delay**

6.1 Committee cycle.

7. **Relevant Local Planning Policies:**

7.1 National Planning Policy Framework (NPPF)

7.1.1 On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF). The adopted policies of Three Rivers District Council reflect the content of the NPPF.

7.2 The Three Rivers Local Plan Core Strategy:

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

7.3 Development Management Policies LDD:

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

7.4 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).

7.4.3 The Moor Park Conservation Area Appraisal (adopted 2006).

8. **Analysis**

8.1 Design & Impact on Street Scene / Conservation Area

8.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness 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.’*

8.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.

8.1.3 The site is located within the Moor Park Conservation Area and Policy DM3 of the Development Management Policies LDD sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area. The Moor Park Conservation Area Appraisal (adopted 2006) states that the bulk and massing of large extensions or replacement houses will also be considered in terms of consistency with the characteristic building form of the Conservation Area.

8.1.4 The application dwelling was constructed as a school in the 1920s and has undergone previous extensions including a two storey rear extension in the 1930s and a single storey flat roofed garage to the north flank, front porch and WC extension in the 1970s with the building having been converted to a residential dwelling in the 1950s. The dwelling therefore forms one of the original “founding” properties of the Moor Park Estate and is considered to make a positive contribution to the character of the Conservation Area. While the proposal does not seek demolition of the original dwelling substantial extensions and alterations may have a detrimental impact on a building’s original character and paragraph 3.1 of the Moor Park Conservation Area Appraisal is considered relevant whereby, *‘as a guide, the Council will seek the retention of buildings on the estate erected up to 1958 when the original estate company was wound up.’*

8.1.5 The current application seeks planning permission for a development which has been significantly reduced in scale, bulk and massing compared to the previously refused application. The two storey development would be focussed to the north side of the plot and, due to the spacing between the application dwelling and properties fronting Heathside Road, the north flank of the dwelling is readily visible in the street scene. The depth of the extensions along the north flank has been significantly reduced compared to the previous scheme and the roof form would be a traditional hipped roof set down from the main ridge of the dwelling by some 1.6m. The original catslide roof would be retained to the front of the dwelling and the two storey development would largely be screened from view in the street scene by the existing built form to the front and south along Wolsey Road. While the northern extensions would still be visible from the north of Wolsey Road, significant spacing of over 3m would be retained at first floor level with the ground floor extensions broken up to reduce the depth of built form along the boundary.

8.1.6 Furthermore, the two storey development would extend beyond the existing two storey development by 3.3m and the ground floor extensions would project 1.3m beyond the deepest rear building line at ground floor level. While the width of development at the rear of the property would be increased, the hipped roof form and subservient design of the two storey development would not significantly add to the bulk and massing of the dwelling or detract from the original character of the dwelling to the detriment of the Conservation Area. The ground floor extensions would be sited behind the existing built form and would be largely obscured from the street scene or would not appear prominent in it.

8.1.7 Therefore, the reduced depth, bulk and massing of the extensions and improved design which omits features such as box dormers and gablet roof form is not considered to subsume the pre-1958 dwelling or significantly detract from its character.

8.1.8 Paragraph 3.4 of the Moor Park Conservation Area Appraisal states: *‘Deep floor plans that entail substantial rearward projection at flank walls, tend to block oblique views of tree and garden back drops from the street past houses on the street frontage. Where this affects the spacious character of the Conservation Area and gives the impression of space between houses being reduced or gaps being closed up, deep floor plans are unlikely to be acceptable.’* In this instance, the flank to boundary separation distance has been increased at first floor level and the depth of development at both ground and first floor level has been reduced along the north elevation. The development is not considered to affect the spacious character of the Conservation Area and sufficient views of tree and garden back drops would be retained.

8.1.9 The Moor Park Conservation Area Appraisal states at paragraph 3.4: *‘Buildings, including all outbuildings, should not cover more than 15% of the plot area.’* The proposed building and existing detached garage has been calculated to cover 14.8% of the plot area.

8.1.10 The Conservation Officer originally raised concern regarding the overcomplicated roof design. However, during the course of the application the depth and width of extensions to the northern part of the dwelling has been reduced and the roof design has been altered to create a second rear hipped projection with a rear projecting central valley between the existing and proposed extensions. Consequently, the originally proposed central sunken crown has been omitted; a feature which is considered to be out of keeping with the character of the Conservation Area. The Conservation Officer has subsequently removed his objection and considers the extensions to be subservient additions to the host dwelling which would not result in wide or harmful views in the Conservation Area.

8.1.11 Moor Park (1958) Ltd has also stated its support for the application, considering the amendments made to respect and compliment the character, design, fenestration and materials of the original dwelling. Moor Park (1958) Ltd consider that the development would positively and successfully preserve and enhance the character and appearance of the Conservation Area setting.

8.1.12 In summary, the original building is one of the founding properties of the Moor Park Conservation Area and is considered to make a positive contribution to the Conservation Area. The proposed development is considered to constitute subservient additions to the host dwelling which would preserve the character of the host dwelling and the Moor Park Conservation Area. The reduction in scale, bulk and massing and alterations to design of the development compared to the previous scheme is considered to have overcome the previous reasons for refusal of that application. As such, the development would be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD and the Moor Park Conservation Area Appraisal.

8.2 Impact on Residential Amenity

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

8.3.2 To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Guidelines at Appendix 2 of the Development Management Policies LDD advise that two storey development at the rear of properties should not intrude into a 45 degree spay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. 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.

8.3.3 The proposed development would largely be focused to the north of the existing dwelling, adjacent to the rear boundaries of nos. 1 and 3 Heathside Road. The development would lead to a significant increase to the depth, bulk and massing of the flank wall of the dwelling which would be readily prominent from the rear of no. 1 Heathside Road. Objections were raised under application 16/0339/FUL in relation to the prominence of the north flank wall in relation to no. 1 Heathside Road which would have covered approximately 60% of the rear boundary of that property. In this instance, in addition to the 27m – 33m separation from the rear wall of no. 1 Heathside Road and the shared boundary, the first floor development has been further set in from the boundary by 0.5m. The depth of development at ground and first floor has been reduced by approximately 2.2m and 1.4m respectively and the height of the two storey extension to the north has also been reduced by 1m. The reduction to the scale of the northern extensions is considered to reduce the impact of the prominence of the development from the perspective of no. 1 Heathside Road and material harm is not considered to occur to the residential amenities of this neighbour.

8.3.4 The north flank would include significant levels of glazing. However, the first floor glazing is shown to be obscure glazed and therefore would not cause actual overlooking. The ground floor windows would be adequately screened by standard boundary treatments. While the inclusion of three first floor windows facing no. 1 Heathside Road is acknowledged and was previously considered to exacerbate the harm identified in relation to the prominence of the extensions, in this instance the reduction in scale of the extensions adjacent to the north flank is considered to have overcome the previous objection and given that no actual overlooking would occur it is not considered that the inclusion of three first floor windows would result in significant harm to justify refusal of the application.

8.3.5 The proposed development would be a minimum of 14m from the south flank boundary shared with no. 102 Wolsey Road. The separation distance and oblique nature of the development relative to this neighbour would mitigate any loss of light or overbearing harm. High levels of glazing would also be included in the south flank, however, the existing property is served by six first floor windows in the south flank and additional harm is not considered to occur through loss of privacy.

8.3.6 In summary, the proposed development would not result in demonstrable harm to the residential amenities of neighbouring properties and the reduction in scale of the development is considered to have overcome the previous objections. The development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

8.4 Amenity Space Provision

8.4.1 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. Section 3 Amenity Space of Appendix 2 of the Development Management Policies LDD sets out indicative amenity space standards and advises that a four bedroom dwelling should have a minimum of 105sqm amenity space.

8.4.2 The application site would retain ample rear garden space well in excess of the amenity space standards which are set out at Appendix 2 of the Development Management Policies LDD.

8.5 Landscaping & Trees

8.5.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

8.5.2 The Landscape Officer has raised no objections to the development noting that there are few arboricultural constraints. The Moor Park Conservation Area status of the site and surrounding area provides protection to all trees; however, the surrounding Cupressus trees are identified by the Landscape Officer has being low grade. The Landscape Officer does request that tree protection fencing is erected around the site to protect the existing grass, vegetation and trees and a suitable condition would be attached to any permission granted.

8.6 Highways, Parking & Access

8.6.1 Policy CP10 of the Core Strategy requires development to make adequate provision for all users including car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies LDD set out parking standards and advise that a dwelling with four or more bedrooms should provide three parking spaces.

8.6.2 Hardstanding to the frontage provides three parking spaces in addition to the detached garage which would be retained as part of the proposal. Ample parking provision would therefore be retained to serve the dwelling in accordance with the parking requirements set out at Appendix 5 of the Development Management Policies LDD.

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 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.

8.7.3 The application has been accompanied by a Local Biodiversity Checklist and an Ecological Mitigation and Enhancement Plan (EMEP). Herts and Middlesex Wildlife Trust has commented that the EMEP is acceptable and development should be carried out in accordance with the report. An appropriate condition would be attached to any permission granted.

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:

100\_Site Location Plan Rev. 07

101\_Block Plan Rev. 08

200\_Ground Floor Plan - EXISTING & PROPOSED Rev. 08

201\_First Floor Plan - EXISTING & PROPOSED Rev. 07

202\_Second Floor Plan - EXISTING & PROPOSED Rev. 08

203\_RoofPlan - EXISTING & PROPOSED Rev. 08

250\_East Elevation - EXISTING & PROPOSED Rev. 8

252\_South Elevation - EXISTING & PROPOSED Rev. 8

252\_West Elevation - EXISTING & PROPOSED Rev. 8

253\_North Elevation - EXISTING & PROPOSED Rev. 8

260\_Section BB\_PROPOSED Rev. 08

261\_Section CC\_PROPOSED Rev. 08

Reason: For the avoidance of doubt and in the proper interests of planning, to preserve the character of the Moor Park Conservation Area and in the interests of the visual amenities of the locality and residential amenity of neighbouring occupiers, in accordance with Policies PSP2, CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted 2006).

C3 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 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. 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 to prevent damage to trees during construction 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).

C4 The development shall not be carried out other than in the materials as have been approved in writing by the Local Planning Authority as shown on the approved plans referred to in Condition 2 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 Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C5 The development hereby permitted shall be carried out in accordance with the Ecological Mitigation and Enhancement Plan prepared by Arbtech and dated 20 April 2016 and maintained as such.

Reason: To ensure that any protected species are safeguarded 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).

C6 Before the first occupation of the extension(s) hereby permitted the window(s) in the first floor of the north flank elevation 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 window(s) 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).

C7 Notwithstanding the provisions of the Town and Country (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 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).

9.2 **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). 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).