PLANNING COMMITTEE - THURSDAY 15 DECEMBER 2022

PART I - DELEGATED

8. 22/1309/RSP - Part Retrospective: Alterations to raised rear patio and rear garden levels including addition of plant room, boundary treatment and installation of privacy screens at SANDLEWOOD, 7A WOLSEY ROAD, MOOR PARK, HERTS, HA6 2HN
(DCES)

Parish: Batchworth Community Council — Ward: Moor Park and Eastbury
Expiry of Statutory Period: 22 September 2022 — Case Officer: Suzanne O'Brien
Extension of Time: 23 December 2022

Recommendation: That Part Retrospective Planning Permission be granted.

Reason for consideration by the Committee: The application has been called in by Batchworth Community Council; for the reasons set out in full in paragraph 4.1.1.

1 Relevant Planning and Enforcement History

1.1 20/2292/FUL - Part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior, new rear patio and alterations to driveway - Permitted - 30.12.2020

1.2 21/0167/COMP: Enforcement Investigation: Works not in accordance with planning permission 21/1370/FUL including land level alterations and erection of air conditioning units. Pending consideration.

1.3 21/1370/FUL - Variation of Condition 2 (Approved Plans) of planning permission 20/2292/FUL: (Part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, rear dormer windows to the rear, erection of porch, alterations to fenestration, render to exterior, new rear patio and alterations to driveway) to include alterations to fenestration - Permitted - 27.07.2021

1.4 21/2425/FUL - Variation of Conditions 2 (Approved Plans) and 4 (Materials) of planning permission 21/1370/FUL: To include additional rear dormer, alterations to fenestration and change to materials - Permitted - 10.01.2022

1.5 22/0566/RSP - Part Retrospective: Formation and raising of terrace to rear garden and introduction of privacy screen - Withdrawn - 21.04.2022

2 Description of Application Site

2.1 The site as a whole consists of a two storey detached dwelling located on the north eastern side of Wolsey Road within the Moor Park Conservation Area. The application site outlined in red on the amended location plan consists of the land to the rear of the dwellinghousing including the patio, plant room and garden; the blue line includes the dwellinghouse and frontage. The dwelling is a modern infill development between No.7 and No.9. The streetscene of Wolsey Road comprises detached dwellings of varied architectural design, located on relatively large plots. The application dwelling is however constructed close to the south eastern boundary. The land levels of the site drop from the front to the rear and the rear amenity space provision contains a number of mature trees.

2.2 The neighbouring property to the south east (No.9) is also constructed close to the common boundary. No.9 sits forward of the rear most point of the application dwelling and is set on a similar land level. The neighbouring property to the north west, No.7,is set in a significant distance from the flank boundary, has a similar rear building line to the rear most point of the application dwelling and has a large bay window in the flank elevation facing the application site.

2.3 The works in connection with the previous planning permission 21/2425/FUL have been implemented however it is noted that there are a number of aspects that have not been implemented in accordance with the approved plans including external works. The works subject to this application will be discussed in detail later within the report.

3 Description of Proposed Development

3.1 This application seeks part retrospective planning permission for alterations to the raised rear patio and rear garden levels including addition of plant room, boundary treatment and installation of privacy screens.

3.2 This application seeks approval for the alterations to the garden which have been raised in height, in parts between 0.3m and 0.6m. The alterations to the garden levels cover the full width and depth of the garden and the garden is now laid as grass.

3.3 The raised patio to the rear of the main aspect of the dwelling has a maximum depth of 5.3m and width of 14.6m. To the rear of the two storey side projection (previous garage projection) a patio with a depth of 5.2m and width of 4.1m has been constructed; this section is L shaped. The patio has a height of 1.8m above the garden level (not including the lower patio as constructed). A raised plant room adjoins the south eastern elevation of the deeper section of the patio and rear aspect of the shallower section of patio. The plant room has a depth of 3.7m and width of 2.6m and projects a total of 5.1m beyond the rear elevation of the two storey side projection. The plant room has a height of 2.3m and projects 0.5m above the patio as constructed. A 1.8m high screen would be sited along the north west elevation of the patio and a 1.8m screen would be sited between the patio and raised plant room extending from the two storey side projection to the rear of the deeper section of the patio.

3.4 The patio is served by two sets of steps sited in line with both flank aspects of the deeper part of the patio. A path with a height of 0.4m and depth of 1m would provide access from the set of steps to the south east and would allow access to the plant room which has an external door in the rear elevation facing onto the garden.

3.5 Amended plans (which have been re-consulted on for 21 days) have been received which include the following:

- Inclusion of privacy screens along the full depth of the patio along both flanks of the patio;
- Removal of the lower level patio as constructed;
- Changes to the red line to only include the patio area and garden (to ensure any works to the dwelling that have not been carried out in accordance with the approved application are not incorporated as part of this application as works to the dwelling are not currently sought).

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Parish Council: [Object]

On behalf of Batchworth Community Council (BCC) we strongly object to this Retrospective Application and we would ask that this application is called in for a decision by the Planning Committee unless the officers are minded to refuse.

Firstly, we would highlight that in the earlier approved application (20/292/FUL) the extent of the patio was a lot less significant in terms of its depth, height and prominence and we would have raised objections at that time if it had been presented as it is proposed and has been implemented today.

We further note that this "Retrospective Application" still does not take into account the issues raised & commented upon by several parties including ourselves from the withdrawn application 22/0566/RSP and seeks to gain approval to all the unauthorised works that have been undertaken and detailed below.

Accounting for the above BCC strongly objects for the following reasons:

1. The raised patio was not included in earlier applications and was not included in the consented scheme. It has now, however, been implemented without discussion or any attempt to seek approval.
2. The planned 1.8 M perplex screen that is to be installed is not fitting or appropriate for the Conservation Area and will create an ugly eye-sore for the neighbours. If the patio had been built as per the consented application, it would not be required.
3. The increased height of the patio also affects the privacy of the neighbours (both sides but in particular #9) who will clearly be able to see anybody standing on it from their houses and in their gardens and in turn can be seen from the elevated position themselves.
4. This situation is made further complex because of the basement being dug out in the adjoining property (#7) and the landfill from that property was not removed off site but spread over the garden of this application property (7A). This has increased the height and levels of the garden throughout, and we would have anticipated that this would require planning consent. It is also likely to have a negative effect on the existing trees and landscaping.
5. The landscaping, hedgerow and trees that were originally located on the side of #7a Wolsey Road have been removed during construction and the hedgerow in #9 Wolsey Road damaged during the works. The concrete structure of the raised patio and associate building now comes to the edge of #9 and is covered with AstroTurf for aesthetics. This is likely to have further effect on the hedgerow and trees that are on the side of the boundary with #9.
6. All of this has resulted in a significant reduction of the privacy for #9 compared with the situation prior to construction commencing.
7. The applicants need to be aware that this is unacceptable behaviour and should be forced to revert to the original consented scheme and this application should be refused. This is a breach of a permitted decision and directly ignored the TRDC. If this requires them to remove what has been illegally constructed, then we strongly believe this is the right action that TRDC should take, and BCC would support such action.
8. In speaking to the professional team advising #9 they are of the opinion having undertaken a lot work and research, including on site surveys, that the measurements provided on the drawings submitted provide at best an inaccurate picture or at worst have been set to be deceptive. We are advised that the topographical survey is inaccurate. This clearly needs reviewing and checking.
9. Bi-Fold doors have been installed to the left-hand side of the first floor whereas ¾ windows are on the drawings. This we would suspect will allow the applicants to step out and use this area of flat roof for social purposes subject to a balustrade being installed (again overlooking #9).

10. Immediately above the windows, as detailed in the drawings, have been replaced with Patio Doors
11. The as built raised patio now has two sets of steps down to the garden against the one set detailed in the consented scheme.
12. As significant as anything related to this application is the extent of the hard standing that now exists with this application and the works undertaken. The patio is several metres deeper than was consented for.

We are advised it now significantly exceeds 20% against the agreed 15% as detailed with MPCAA.

In conclusion there continues to be a clear disregard of the planning process with earlier designs / applications that were refused / withdrawn being added back in at a later date without consent or discussion.

This also shows a disrespect to the law, the process and the TRDC Planning Officers, not to mention neighbours and the community at large by all parties involved including the application, professional team and contractor who would have known without any doubt that their actions contravened the consented application. It is also important that we ensure that the applicant, their professional team and contractor (who are largely the same as those at #7 Wolsey Road) adhere to existing decisions, regulations and consents and do not exceed what has been approved and demolish anything beyond what has been agreed and consented.

Finally, we repeat, that BCC would ask that this application is called in for a decision by the Planning Committee unless the Planning Officers are minded to refuse.

4.1.2 Conservation Officer [No objections]

The Conservation Officer has reviewed the plans and has verbally confirmed that they raise no objections to the patio, lower patio area, plant room or provision of the privacy screen in terms of adversely impacting on the character and appearance of the Conservation Area.

4.1.3 Moor Park 1958 [Object]

The Directors of Moor Park (1958) Limited wish to express the following material objections and our related concerns on one particular aspect of the submitted application as set out below. Thereafter, we raise one additional planning matter.

Our specific concern: We would wish to respectfully remind the Council that, at the time of the original approval (ref 20/2292/FUL) the application included a site layout drawing ref 1360/P/3A that indicated the proposed raised rear patio extending across the entirety of the rear elevation, including a section at the rear of the "retained" single storey extension close to the flank boundary with no. 9 Wolsey Road.

In response to that application, we expressed our planning concerns re the extent of increased plot coverage (in addition to other objections and concerns) and we are aware that the Council secured an amended drawing (ref 1360/P/3B) that reduced the size of the rear patio by specifically removing the whole area of the section of patio at the rear of what was indicated as the "retained" single storey extension.

We note that the delegated report detailing the application particularly mentions, in para 3.7 and 7.2.5, how the patio had been reduced in size and to what benefit. We would ask that the Council very closely considers the reasons why the amendments to the size and location of the patio were secured in the first instance (and the planning principles involved in the process at that time), prior to this latest application being determined. This is on the basis

that the current application clearly seeks now not only seeks to reintroduce the previously deleted area of raised patio, (almost as though the original amendment had not been made or was not relevant or did not need to be taken into account), but indeed significantly extends both the depth and width of the patio.

From our perspective, in assessing the material implications of this latest application, we have re-visited the issue of plot coverage and have calculated that the proposed enlargement to the patio results in a total plot coverage, taking into account the enlarged dwelling (as approved), the footprint of the plant room and the entirety of the patio in its latest iteration, of approx 24%, which is clearly well in excess of the 15% maximum in the MPCAA.

While we accept that "patios" per se are not referred to in para 3.4 of the MPCAA, we nevertheless wish to submit that the raised nature of a large proportion of the patio, plus the extended depth and width elsewhere, as in this latest proposition, reflects a different proposition to the effect of built development on the openness of the plot at the time of the original (and subsequent) approvals.

As a result, and in the interests of maintaining and preserving one of the key aspects that defines the character and appearance of the Moor Park Conservation Area, in terms of the openness and the generally low level of development on individual plots, we would ask that the Council has full regard to the provisions of para 3.4 of the MPCAA in the assessment and determination of this latest application. In this regard, and with the aim of reducing the harmful and adverse impact of the proposed overall plot coverage, we respectfully request that the officers seek to negotiate a significant reduction in the width and depth of the patio so as accord with the depth and size at the time of the original approval, and such that the 15% maximum MPCAA plot coverage is more closely respected.

Finally, turning to our one additional material planning matter of concern. Although such issues are clearly not specifically covered in the MPCAA (and are normally for neighbours to comment on), nonetheless we would request that the Council considers the potential for overlooking and resultant loss of privacy arising from the entirety of the enlarged patio area and from the re-grading of the rear garden area.

Alongside this we also ask the Council to very closely assess the adequacy, suitability, and longevity of both (i) the proposed 1.8m high "privacy screen" and also (ii) the demonstrable effectiveness of the row of ornamental trees that are shown to be planted (presumably for additional screening purposes) in such a restricted and overshadowed location.

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.

Additional comments received following reconsultation of the scheme:

We have noted the submission of amended plans in regard to the above proposed development.

We consider that the majority of the planning objections and concerns we have previously raised in regard to this development still remain as material planning considerations that we would ask that the Council still continue to take into account in the assessment and determination of this application.

Insofar as the latest amended drawings are concerned, while we acknowledge (i) the alterations to the proposed roof treatment of the plant room, (ii) the various modifications to the screening details adjacent to both neighbouring properties and (iii) the reduction of the size and extent of the raised patio area, we remain of the view that the proposed development overall still, represents an unacceptably intrusive and unneighbourly form of

development that adversely affects the privacy, or perception of privacy, to the occupants of properties on both flanks of the development, by reason of the combination of the elevated nature and rearward projection of the raised patio, and still results in an excessive extent of plot coverage, contrary to para 3.4 of the approved MPCAA, that in our opinion, results in material and harmful intrusion into the open character of the overall plot of the host dwelling, which is an important and inherent characteristic of the Moor Park Conservation Area estate as a whole.

Consequently, we wish to maintain our objections and concerns. We trust the above response, based on what we regard as very relevant and material planning considerations, primarily within the approved MPCAA, will be taken full cognisance of.

4.1.4 Landscape Officer: No comments received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 9

4.2.2 No of responses received: 8 objections

4.2.3 Site Notice:14 September 2022 Press notice: 26 August 2022

4.2.4 Summary of Responses:

Adverse effect on trees; Adversely affects Conservation Area; Overdevelopment; Overshadowing; Too close to the boundary; Unauthorised works at No.7A and to the dwelling of 7A which are not shown on the plans; Works are grossly unneighbourly, ill-devised, inappropriate and out of character with the Conservation Area; Would set a precedent if approved; Works should be constructed in accordance with the approved plans; Works as constructed are materially different to the approved plans and majorly breaches planning control; Spoil from No.7 has been tipped onto the application site and the plant room is contrary to the plans; Land level changes has killed off vegetation and tree cover; Blatant disregard for policies, neighbourly good manners and neighbouring amenity; Works should only be in accordance with the approved plans; Overlooking of neighbours; Privacy screen will be visible and affect openness and will affect special quality of the Conservation Area; Loud house parties from the garden and noise problems from the garden; People are continuing to do what they like within Moor Park; Patio is very high; Gross invasion of neighbours privacy; Enforcement should be taken to prevent others from doing the same; Plans are larger than approved and should be refused on that basis; The amended plans are noted; Amendments do not address plant room, land level changes or inaccuracies and do not overcome concerns; Enforcement action should be duly taken; If approved judicial process will be reviewed; A Councillor (not Planning Committee Member) visited property and notes it should be removed; No screens should be permitted; Application should not be permitted as is not in accordance with approved scheme.

5 Reason for Delay

5.1 Delays in accessing the site and due to amendments to the plans.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the Conservation Area.

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

6.1.4 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.

Policy / Guidance

6.2 National Planning Policy Framework and National Planning Practice Guidance.

6.2.1 In July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

6.2.2 The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits unless there is a clear reason for refusing the development (harm to a protected area).

6.3 The Three Rivers Local Development Plan

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

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

6.3.3 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM8 and DM13 and Appendices 2 and 5.

6.3.4 The Moor Park Conservation Area Appraisal (adopted 2006)

6.4 Other

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

7 Planning Analysis

7.1 Principle of Development

7.1.1 Following site inspections as part of the enforcement investigation, it has been noted that the patio and garden have not been carried out in accordance with the approved plans of planning permission 21/2425/FUL and therefore are in breach of planning control (not an offence under the planning acts)..It is also recognised that are other changes to the

extensions (as well as the erection of air conditioning units) which have not occurred in accordance with the relevant planning permission (21/2425/FUL). Importantly, this application **only** considers those alterations to the garden and raised patio. The following assessment is to take into consideration any harm arising from the works as identified on site and as shown on the proposed plans. The assessment will not be based on the differences between the development as constructed and proposed and that of the approved scheme. Notwithstanding this, the main differences between the approved scheme and proposed scheme are set out below for clarity:

- Addition of a plant room to the rear of the patio to the south east;
- The main patio is 0.4m higher than the approved patio; the section to the rear of the two storey projection sits 0.63m higher than the approved;
- The patio sits 1.4m deeper and 2.5m wider than approved.

7.1.2 It is noted that comments have been received that the topographical data submitted in support of the application is inaccurate however no evidence has been submitted to demonstrate what these inaccuracies are. As such, the application is assessed on the information submitted and from site visit observations given the works have been carried out and therefore the harm arising from the height and siting of the works to the site can be appreciated on site and have been given full consideration..

7.2 Impact on Heritage Assets, Character and Street Scene

7.2.1 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.'

7.2.2 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. Although it is noted that this criteria relates to extensions to a dwelling and the proposal is for a patio etc, the guidance facilities the assessment of the proposed development.

7.2.3 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 will also be considered in terms of consistency with the characteristic building form of the Conservation Area.

7.2.4 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 dwelling, higher patio level and plant room would result in a plot coverage of approximately 21% (the dwelling and plant room have a plot coverage of 16.6%). This would result in a greater plot coverage that the 15% as set out within the Appraisal. However, thus sum is for completeness and the Appraisal does not stipulate that raised patios should be included within this calculation. The patio does not form or have the appearance of a building and the plant room is ancillary in nature and scale. The overall coverage of the patio and plant room of the site in its entirety is minimal and does not result in an urbanising feature or overdevelopment of the site within the Conservation Area. The site remains largely undeveloped and a sense of

openness is maintained which preserves the open spacious character of the Conservation Area, a key characteristic. The plans have been amended detailing that the lower patio area would be removed with the exception of a path providing access to the plant room. This would help to prevent further incursion of built development into the garden. Any planning permission would include a condition detailing that the lower patio area must be removed and replaced with soft landscaping. In light of the works that have occurred at the site and to protect the character of the Conservation Area Classes E (outbuilding) and F (hardstanding) of the General Permitted Development Order will be removed from the site.

7.2.5 The Moor Park Conservation Appraisal also states that 'a minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevations, subject to a distance of not less than 1.5m being kept clear between flank walls and plot boundaries'. The patio, plant room and screening would not project any closer to the boundary than that of the existing built form thus would not affect the openness of the site and Conservation Area by virtue of bringing built form closer to the flank boundaries.

7.2.6 The development includes a plant room and screening along both flank aspects of the patio that would sit 3.8m above the lower ground level. The plant room and screening would result in the addition of built form projecting deeper into the site than that of the permitted scheme where neither were proposed. The 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.' The plant room is sited at a height that is not visible from view points along Wolsey Road. Both of the screens would be set in from the boundary and they would be of a height and location that would not be readily apparent or form prominent feature as viewed from Wolsey Road. Thus although the development would result in built form projecting deeper into the site, due to their scale and siting, they would not serve to block any oblique views of tree and garden back drops from the street past houses on the street frontage. The alterations to the land levels are not apparent from vantage points along the street and do not change the character of the site or surroundings.

7.2.7 In relation to the special character of the Moor Park Conservation Area the Appraisal highlights the features of Moor Park that create its special character:

'The special architectural and historic interest that justifies designation of the Conservation Area derives from the following features:

• Houses built in the 1920s/1930s – 1950s and set back in spacious surroundings

• Many beautiful trees set around wide avenues

• Spectacular views along tree lined roads • Open frontages separating gardens from the estate road verges

• Grass verges and shingle paths

• Attractive roads in differing scales

• Many characteristic original features including chimneys Original 1930s chimney in Wolsey Road

'The existing development has a special visual quality created by large houses situated on individual plots along wide streets with high quality landscaping. The layout is characterised in some areas by open frontages, low walls or hedges separating gardens from the estate road verges, which was a feature of the original design. Existing trees make a special contribution to the character of the area.'

7.2.8 As identified within the previous permissions 7A Wolsey Road was an infill dwelling and not a pre-1958 dwelling; the dwelling is a modern addition where the pre-existing design had a neutral contribution to the overall character and appearance of the Conservation Area. The patio, plant room and alterations to the garden levels do not serve to impact or detract from any of the architectural or historic features as set out above that characterise the Moor Park Conservation Area and does not result in overdevelopment of the plot or impact on views into and out of the site. As such, the development as constructed and proposed would not have an adverse impact on the overall character and appearance of the Moor Park Conservation Area.

7.2.9 The Conservation Officer has raised no objections to the siting, scale, layout or design of the patio, plant room and screening. Thus the development would not serve to detract from the character and appearance of the Moor Park Conservation Area or street scene in accordance with Policies CP1and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the DMP LDD and the Moor Park Conservation Area Appraisal.

7.3 Impact on amenity of neighbours

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

7.3.2 The garden levels have been increased by a maximum of 0.3m in parts. As identified on site the alterations to the garden levels do not facilitate overlooking into either neighbouring property and the hedging sited along the boundaries was sufficient to prevent overlooking.

7.3.3 The patio level does facilitate a degree of overlooking into the garden and dwelling of No.9 and allows clear views into the garden of No.7 (although it is noted there was limited boundary treatment between the properties at the time of the site visit). To mitigate this privacy screening has been indicated on amended plans along the length of the patio. The privacy screening would be sufficient in design, siting and height to prevent overlooking from the patio into the neighbouring properties thus protecting their privacy. The privacy screening would be sited between the patio and the raised plant room which would also prevent use of the roof of the plant room as a terrace. A condition would be attached to any planning permission as well that the roof of the plant room shall only be accessed for maintenance purposes only.

7.3.4 The patio as constructed is of a height and location that does not result in any loss of light or harm to the visual amenities of the neighbouring properties. The plant room projects beyond the rear elevation of the neighbouring properties however it is set at a height that does not result in any loss of light or harm to the visual amenities of both neighbouring properties. The privacy screening along the flank elevations of the patio would bring built form deeper into the site than the dwelling at a height of 3.8m above the lower ground level. No.7 is set in from the common boundary and projects deeper into the site than the application dwelling. The siting, depth and height of the proposed screen would not result in loss of light or harm the visual amenities of No.7. The privacy screen would be visible from the neighbouring garden but would not result in a dominant or obtrusive feature.

7.3.5 In relation to No.9 the proposed privacy screen would have a stepped nature with the closest section (sited closer to the host dwelling) being set in approximately 3.8m from the common boundary increasing to 7.4m at the deepest point of the patio. No.9 is set forward of the patio and the privacy screen would therefore be visible from their raised patio, ground floor and first floor windows. However, the fact that a structure would be visible from a neighbouring property does not lead to automatic harm. The screen would be set in a sufficient distance from the common boundary with No.9 where it’s siting and height would

not result in a dominant or obtrusive feature as viewed from the neighbouring property or result in any loss of light or impact on their visual amenities. Concerns are raised that the proposed screening would affect the openness of the Conservation Area. The views of the screening would be from the rear of the neighbouring properties and not from public vantage points. As discussed in the section above the screen would not be readily apparent from outside of the site along Wolsey Road and would not adversely affect open views thus would not result in any demonstrable harm to the open character of the Conservation Area. It is noted that two sets of stairs have been constructed on either side of the patio. These steps project deeper into the site than that of the screens however they provide access only and in a location that would not permit unacceptable overlooking into the neighbouring properties.

7.3.6 It is considered that the garden levels, patio and plant room as constructed do not result in any unacceptable overlooking into the surrounding neighbouring properties and do not result in any loss of light or harm to the visual amenities of No.7 or No.9. The privacy screening would add additional bulk to the rear of the dwelling however due to the set in of the privacy screening from the common boundary with No.9 and that No.9 is also served by a raised terrace to the rear the proposed privacy screening would not result in a dominant or oppressive relationship. The siting of the privacy screening would not result in loss of light or any harm to the visual amenities of either No.7 or No.9. The patio does not result in any unacceptable overlooking into the neighbouring properties to the rear.

7.3.7 The development would therefore not result in any demonstrable harm to the residential amenities of the surrounding neighbouring properties in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

7.4 Wildlife and Biodiversity

7.4.1 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.

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.4.3 It has not been identified that any protected species have be affected by the development and the works to be carried out would not adversely affect any protected species.

7.5 Trees and Landscaping

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

7.5.2 The application site is located within a Conservation Area and as such all trees are protected. No.7 contains protected screens including one sited close to the common boundary.

7.5.3 The land levels have resulted in alterations around the two trees within the rear amenity space provision. The Landscape Officer has been consulted however no comments have been received. The land level alterations have resulted in additional spoil being imported onto the site including around the tree. The spoil has been overlaid with grass and still

provides a porous layer thus water can still filtrate down to the roots of these trees. It is not considered that the spoil has resulted in compaction of the ground that would adversely affect the trees or the vegetation screens that form the boundary treatments. It has been identified on site that the vegetation screen closer to the dwelling along the common boundary with No.9 has been thinned. However, it was still in situ at the time of the site visits and this area is sited adjacent to existing areas of hardstanding which have not been altered. Thus the works to the land levels did not appear on the site visit to have affected the hedging along the boundaries and the hedge was still in situ. Notwithstanding this, a condition requiring the replacement of any tree or boundary hedging that may die within the next 5 years will be attached to any planning permission.

7.5.4 The steps to the north west aspect of the patio are sited closer to the neighbouring protected tree however are considered to be of a scale and location that do not adversely affect this tree.

8 Recommendation

C1 That PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED and has effect from the date on which the development is carried out and is subject to the following conditions: Those part of the development hereby permitted which have not been completed shall be carried out in accordance with the following approved plans: 41950BDLS-01, 1360/P2/1C, 1360/P2/6C, 1360/P2/7B.

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the character and appearance of the Conservation Area and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, 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 Moor Park Conservation Area Appraisal (2006).

C2 Within 1 month of the date of this decision, elevational details of the design of the 1.8 metre high privacy screens including their obscurity level as shown on drawing numbers 1360/P2/6C and 1360/P2/1C shall be submitted to the Local Planning Authority for approval. The privacy screens shall be implemented within 1 month of the date the submitted details were agreed in writing by the Local Planning Authority and the privacy screens shall be permanently maintained thereafter in terms of their design, obscurity level and height.

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).

C3 Notwithstanding the details on the approved plans (referred to within Condition 1) within 3 months of the date of this decision the concrete lower patio area, as shown on the approved plans as being removed, shall be removed in its entirety and replaced with soft landscaping at the same level as the adjacent grassed amenity space provision as shown on Plan 41950BDLS-01. All resultant materials and debris shall be removed from the application site and wider site (as enclosed in red and blue on drawing number 1360/P2/1C).

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).

C4 If any existing trees or hedging along the site boundaries, die, become severely damaged or diseased within five years of the date of this decision they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (ie November to March inclusive).

Reason: This condition is required to ensure the scheme has a satisfactory visual impact on the character and appearance of the area in the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3, DM6 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C5 The roof of the plant room hereby permitted shall only be accessed for maintenance purposes. The plant room shall not be accessed for amenity purposes at any time.

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).

C6 Immediately following the date of this decision, 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 E - provision of any building or enclosure

Class F - any hard surface

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 in the interests of the visual amenities of the site and Moor Park Conservation Area, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

8.1 **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 £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. If your development is CIL liable, even if you have been granted exemption from the levy, please be advised that before commencement of any works It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that CIL form 6 (Commencement Notice) must be completed, returned and acknowledged by Three Rivers District Council before building works start. Failure to do so will mean you lose the right to payment by instalments (where applicable), and a surcharge will be imposed. However, please note that a Commencement Notice is not required for residential extensions IF relief has been granted.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

I2 The 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 and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

I3 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.