

PLANNING COMMITTEE

NOTICE AND AGENDA

For a meeting to be held in the Penn Chamber, Three Rivers House, Northway, Rickmansworth on Thursday, 25 May 2023 at 7.30pm

Members of the Planning Committee:-

Councillors:

Sara Bedford (Chair)
Matthew Bedford
Ruth Clark
Philip Hearn
Debbie Morris
David Raw

Steve Drury (Vice-Chair)
Ian Morris
Stephen King
Chris Lloyd
Khalid Hussain

*Joanne Wagstaffe, Chief Executive
16 May 2023*

The Council welcomes contributions from members of the public to aid discussions on agenda items at Planning Committee meetings.

Details of the procedure are provided below:

For those wishing to speak:

Please note that, in the event of registering your interest to speak on an agenda item but not taking up that right because the item is deferred, you will be given the right to speak on that item at the next meeting of the Planning Committee.

Members of the public are entitled to speak on an application from the published agenda for the meeting either in support of the application or against. Those who wish to speak can arrive on the night from 7pm to register with the Committee Manager. One person can speak in support of the application and one against.

Please note that contributions will be limited to no more than three minutes.

For those wishing to observe:

Members of the public are welcome to attend the meetings. If you wish to observe you can arrive on the night from 7pm.

In accordance with The Openness of Local Government Bodies Regulations 2014 any matters considered under Part I business only of the meeting may be filmed, recorded, photographed, broadcast or reported via social media by any person.

Recording and reporting the Council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human

- 1. APOLOGIES FOR ABSENCE**
- 2. MINUTES** (Pages 7 - 26)

To confirm as a correct record the minutes of the Planning Committee meeting held on 20 April 2023.
- 3. DECLARATIONS OF INTEREST**

To receive any declarations of interest.
- 4. NOTICE OF OTHER BUSINESS**

Items of other business notified under Council Procedure Rule 30 to be announced, together with the special circumstances that justify their consideration as a matter of urgency. The Chair to rule on the admission of such items.
- 5. 22/1621FUL – PARTIAL DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF BASEMENT, TWO STOREY REAR EXTENSION, TWO STOREY SIDE EXTENSION, LOFT CONVERSION INCLUDING REAR DORMERS AND ROOFLIGHTS, CONSTRUCTION OF CHIMNEY AND ALTERATIONS TO FENESTRATION AT 36 MAIN AVENUE, MOOR PARK, HERTS, HA6 2LQ** (Pages 27 - 44)

Recommendation: That Planning Permission be granted.
- 6. 23/0089/FUL - SUBSTANTIAL DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF PART-SINGLE STOREY, PART-TWO STOREY SIDE AND REAR EXTENSIONS, SINGLE STOREY FRONT AND SIDE EXTENSIONS; RELOCATION OF ENTRANCE DOOR AND REAR JULIET BALCONIES AND TERRACE BALCONIES; ALTERATIONS TO ROOF INCLUDING INCREASE IN RIDGE HEIGHT; FRONT ROOFLIGHT; ALTERATIONS TO THE FRONTAGE, EXTENSION AND ALTERATIONS TO REAR PATIO AND CONSTRUCTION OF SWIMMING POOL; INTERNAL ALTERATIONS AND ALTERATIONS TO FENESTRATION AT 5 ROSS WAY, NORTHWOOD, HERTFORDSHIRE, HA6 3HU** (Pages 45 - 58)

Recommendation: That Planning Permission be granted
- 7. 23/0099/LBC - LISTED BUILDING CONSENT: INSTALLATION OF INTERNAL LIFT AT THE OLD VICARAGE, 10 CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BS** (Pages 59 - 66)

Recommendation: That Listed Building Consent be Refused.
- 8. 23/0387/FUL - CHANGE OF USE OF WOODLAND LAND INTO RESIDENTIAL GARDEN WITH TIMBER FENCING FOR THE THREE PROPERTIES (15, 17 & 19 WOODLAND CHASE) AT LAND ADJACENT TO 15, 17 AND 19 WOODLAND CHASE, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3FN** (Pages 67 - 78)

Recommendation: That Planning Permission be Refused
- 9. 23/0427/FUL – TWO STOREY FRONT, SIDE AND REAR EXTENSIONS AND LOFT CONVERSION INCLUDING ROOF EXTENSIONS, INSERTION** (Pages 79 - 90)

OF ROOF LIGHTS AT 10 GROSVENOR ROAD, NORTHWOOD, HA6 3HJ

Recommendation: That Planning Permission be granted.

10. **23/0449/FUL - CONSTRUCTION OF PART SINGLE, PART TWO STOREY SIDE AND REAR EXTENSION; LOFT CONVERSION INCLUDING REAR DORMER AND FRONT ROOFLIGHTS; RELOCATION OF ENTRANCE DOOR AND REMOVAL OF CHIMNEY BREAST; INTERNAL ALTERATIONS, AT 5 POPES ROAD, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DQ** (Pages 91 - 100)

Recommendation: That Planning Permission be Refused.

11. **23/0577/RSP – RETROSPECTIVE: RETENTION OF TEMPORARY ACCESS TRACK FOR CONSTRUCTION VEHICLES TO FACILITATE DEVELOPMENTS AT BULLSLAND FARM FOR A FURTHER TEMPORARY PERIOD AT BULLSLAND FARM, BULLSLAND LANE, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5BG** (Pages 101 - 112)

Recommendation: That Retrospective Planning Permission is granted.

12. EXCLUSION OF PRESS AND PUBLIC

If the Committee wishes to consider the remaining item in private, it will be appropriate for a resolution to be passed in the following terms:-

“that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined under paragraphs 1 to 7 of Part I of Schedule 12A to the Act. It has been decided by the Council that in all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

(Note: If other confidential business is approved under item 3, it will also be necessary to specify the class of exempt or confidential information in the additional items.)

13. OTHER BUSINESS - IF APPROVED UNDER ITEM 3 ABOVE

Livestreaming details for the Planning Committee meeting

The link to watch the livestream of the Planning Committee meeting is provided below:

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGZkNWZhMjktYzZiZi00ZDA1LTkwMmUtM2ZINDExMWM2NmJi%40thread.v2/0?context=%7B%22Tid%22%3A%2258420664-1284-4d81-9225-35da8165ae7a%22%2C%22Oid%22%3A%2258c99d6e-8c11-4f06-9519-c296e92897fc%22%2C%22IsBroadcastMeeting%22%3Atrue%2C%22role%22%3A%22a%22%7D&btype=a&role=a

Background Papers (used when compiling the above reports but they do not form part of the agenda)

- Application file(s) referenced above
- Three Rivers Core Strategy (adopted October 2011)
- Development Management Policies LDD (adopted July 2013)
- Site Allocations Local Development Document (SALDD) (adopted November 2014)
- The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015)
- Supplementary Planning Documents and Guidance

- National Planning Policy Framework and National Planning Practice Guidance
- Government Circulars
- The Wildlife and Countryside Act 1981 (as amended)
- Town and Country Planning Act 1990 (as amended)
- Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning and Compulsory Purchase Act 2004
- The Natural Environment and Rural Communities Act 2006
- The Conservation of Habitats and Species Regulations 2010
- The Localism Act (November 2011)
- The Growth and Infrastructure Act (April 2013)
- Town and Country Planning (Development Management Procedure) (England) Order 2015
- Town and Country Planning (General Permitted Development) (England) Order 2015
- Croxley Green Neighbourhood Plan (Referendum Version December 2018)
- Chorleywood Neighbourhood Development Plan (Referendum Version August 2020)

General Enquiries: Please contact the Committee Team at

committeeteam@threerivers.gov.uk

PLANNING COMMITTEE

MINUTES

Of a Planning Committee meeting held in the Penn Chamber at Three Rivers House, Northway, Rickmansworth, on Thursday 20 April 2023 from 7.30pm to 9.45pm.

Councillors present:

Steve Drury (Chair)	David Raw
Matthew Bedford (Vice Chair)	Raj Khiorya
Ruth Clark	Abbas Merali (substitute for Cllr Hudson)
Philip Hearn	
Chris Lloyd	
Stephen King	

Also in attendance:

Councillors: Councillor Lisa Hudson, Reena Ranger OBE, Batchworth Community Councillors Diana Barber, Craige Coren

Officers: Matthew Roberts, Claire Wilson, Lauren Edwards & Sarah Haythorpe

COUNCILLOR STEVE DRURY IN THE CHAIR

PC 119/22 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Stephanie Singer, Lisa Hudson and Sara Bedford with the named substitute being Councillor Abbas Merali (for Cllr Hudson).

PC 120/22 MINUTES

The minutes from the Planning Committee Meeting held on 23 March 2023 were agreed as a correct record and were signed by the Chair.

The Vice Chair, who Chaired the meeting on 23 March 2023, had been contacted by residents in Woodlands Road who wanted to raise concerns regarding the minute relating to the Woodlands Road item. The Vice Chair had looked at what they had sent, and although they were querying some of the statements made in the meeting they were not actually querying the accuracy of the minutes as drafted as far as they could tell from the correspondence sent to them.

The minutes from the Reconvened meeting held on 30 March 2023 were agreed as a correct record, subject to adding Councillor Stephen King as being present at the meeting and were signed by the Chair.

PC 121/22 NOTICE OF OTHER BUSINESS

There was none.

PC 122/22 DECLARATIONS OF INTEREST

The Chair read out the following statement to the Committee:

“All Members are reminded that they should come to meetings with an open mind and be able to demonstrate that they are open minded. You should only come to your decision after due consideration of all the information provided, whether by planning officers in the introduction, by applicants/agents, by objectors or by fellow Councillor’s. The Committee Report in itself is not the sole piece of information to be considered. Prepared speeches to be read out are not a good idea. They might suggest that you have already firmly made up your mind about an application before hearing any additional information provided on the night and they will not take account information provided at Committee. You must always avoid giving the impression of having firmly made up your mind in advance no matter that you might be pre-disposed to any particular view.”

Councillor Matthew Bedford declared a prejudicial interest in agenda item 8 as they lived in the consultation area and would leave the meeting when this item was considered by the Committee.

Councillor Raj Khiroya declared a prejudicial interest in agenda item 9 as they lived in the consultation area and would leave the meeting when this item was considered by the Committee.

PC 123/22 22/1875/OUT – Outline application: Demolition of existing buildings and redevelopment to provide 29 residential flats (Use Class C3) (Landscaping as a reserved matter) at KNOLL OAK, SANDY LANE, NORTHWOOD, HA6 3EZ

The Planning Officer reported that the drainage consultant had confirmed that the applicant had demonstrated a half-drain down time within 24 hours with a safety factor of 5 applied to the proposed infiltration features which form part of the SUDs drainage strategy. On the basis that the amended drainage strategy is considered acceptable the recommendation is now to grant planning permission subject to the completion of the S106 agreement securing an affordable housing review mechanism, conditions as already set out within the officer report and including the additional conditions as requested by the drainage consultant as follows:

A detailed surface water management scheme which will include further details of the blue/green roof which will be required to be submitted and agreed in writing by the LPA and a further condition relating to the management and maintenance plan.

There was a slight wording change which is required to Condition 3 which related to the play area with alterations to ensure that the play area is constructed and made available to residents prior to the first occupation of the development. The latter element was missing from the report.

Under Council Procedure Rule 35(b) a member of the public spoke in support of the application.

Batchworth Community Councillor Diana Barber said the Community Council had considered the application in the context of an earlier withdrawn application and requested that the views and comments put forward should be considered again. A significant percentage of the proposed site sits within the Green Belt with adjoining ancient natural woodland. It is imperative that measures are in place to ensure the conservation of protected trees and hedgerows on parts of the site which form a green corridor and foraging habitat for protected species. High priority must be given to mitigation of the possible devastating effects of the site clearance for this development. The movement of heavy plant and support vehicles for the removal of waste and spoil from the site cannot be achieved without huge damage environmentally. It would take many years if not never to recover from such a devastating loss of so many mature trees and biodiversity. Other objections were the huge scale and mass of the building on such a small area, detrimental effects of the privacy of the neighbouring residents, the potentially adverse effect of the basement excavations on the water table / flooding of the area. Questioned the traffic report assessment which was underestimating the impact of projected journeys to and from the site on local traffic. They realised this was an outline application but there is a long way to go before any plan of this scale could be considered acceptable. Urged Members to refuse this application. The development should be reduced in height, size and number of units and changes to the architectural style to make it more acceptable.

Ward Councillor Reena Ranger said the principal of development was accepted but the scale of 29 flats was unacceptable. They felt that the recommendation for refusal detailed at Paragraph 1.1 still stands and the scheme fails on character and appearance and is totally out of keeping with the area. One large home becoming 29 flats with 59 bedrooms is inappropriate which you could see from the access arrangements. If the gate proposed at the entrance should fail with traffic would back up into the major road. The neighbour would lose priority over access to their own home. If the application was approved, we would change the character and appearance of this section of the road for ever. The Council had refused similar schemes nearby and should this be approved there is little hope in being able to refuse anything again in the area. This is not a sustainable location with just one bus stop. It is at least a 30-minute walk to the train station and the report itself comments that there are no frequent bus stops open to the public in this area. On parking if it was assumed that the 8 visitor spaces on the ground floor are for guests/visitors but would there be a rota system to see which flats could invite people over. The parking needs to be in excess not less due to the location and the circumstances. We do not need to compromise on this development to a scale which would be detrimental to the area and residents especially when the nearest neighbour is the Ministry of Defence (MoD) who had objected on impacts to safety and security and risk to road users at Northwood HQ. Can officers confirm that these flats do conform to space standards. The scheme should fail on all the reasons stated including Green Belt and its impact, the protected mature ancient woodland, being near a Conservation Area and character and appearance, bulk and scale, safety and not having adequate parking.

The Planning Officer responded that as the report set out the site is partially within the Green Belt to the north however there is development already

encroaching within the Green Belt and historically was used as a garden. This scheme seeks to confine the development to the Green Belt boundary and the only elements which would be encroaching within the Green Belt is the northern terraces serving the flats. To compensate against the encroachment the Green Belt would be more open in character which offsets that balance and was considered acceptable as stated within the report and therefore falls within the necessary exceptions outlined within the NPPF. On hedging and trees, the site is protected via a Tree Preservation Order but as the site is derelict over time a significant number of trees have grown within the site most of which are of limited value and will be removed to facilitate the development as well as other trees which are not of a good quality. There are category B trees being removed to provide the access requirements which any scheme coming forward for the site would require to satisfy based on the comments from the Highway Authority. On the other trees set further within the site towards the rear there had been no objection from the Landscape Officer on their removal on the basis of a substantial replacement planting scheme which is proposed and to be secured by condition. There would also be a significant betterment of the onsite management which was not happening now. This was one element which was within the planning balance and given a degree of weight in favour of the scheme. In terms of waste removal there is a basement proposed and there is a concern due to the amount of spoil to be removed and the movement of large vehicles that the formal access needs to be built prior to the commencement of development in accordance with the Highway Authority requirements to provide acceptable highways visibility splays to enable construction vehicles to gain acceptable access. The current access is not suitable for construction vehicles. Details would also form part of the Construction Management Plan. There is also a site waste management condition included. It is acknowledged within the report that the mass, scale and design of the building would have an impact on the character, but this is outweighed by the benefits as the report sets out. There had been some amendments since the withdrawn scheme that seek to reduce the elevated bulk by introducing balconies rather than having a complete 4 storey elevation. The 4 storeys do look big on plan however the site is significant, and the building would be set back from the road and there are protected trees before the front boundary and within the highway woodland. These mitigation measures seek to soften the impact of the building. Due to the land levels across the site, although it is 4 storeys at the front, as you go towards the rear it drops to 3 storeys with a flat roof. On privacy there is an acknowledgement that the neighbour can see the house to the east, but this is the only adjacent property to the side of this site but is set quite far back and they do have quite a large front garden which provides a degree of privacy. It is acknowledged in the report that there is a degree of impact on that property from this development but the flats themselves are set back between 14 to 28 metres and the boundaries are extremely wooded and they are protected which provides suitable mitigation to enable it to be acceptable. On highway safety there had been local concern. Two access proposals had been put forward with the highway authority accepting one of them on the basis that it passed the relevant audits and provided priority to this development but did also improve the access currently to Cedar House which currently had an informal arrangement before you reached Sandy Lane. On the highway boundary, there had been comments made on ownership, and whether those at Cedar House

could gain access. Their ownership extends to the point where the brick pier is and all the informal space to the front of the property is owned by the Highway Authority which includes and extends to the wooded verge. It is a pre-commencement requirement that those works are undertaken before the building is developed. Design is subjective and the design is different to the arts and crafts styles in the locality however if you drive slightly further into Eastbury Avenue and further afield there are degrees of variation in designs across the locality and we should not be so confined to the immediate locality. The report acknowledges that it is on the outskirts of Eastbury and is a good 20-minute walk to the station and residents would be heavily car reliant. In terms of parking standards, it does meet them when applied to the scheme and is in excess. There will be some difficulties in us refusing the scheme based on parking alone. Whilst there are concerns that parking maybe displaced onto the adjacent roads that would not be able to happen on Sandy Lane but there are concerns on whether the parking issues would be moved onto the Woods which is generally free of cars throughout the week. There is a parking management plan attached to the recommendation and based on the submitted plans a significant number of visitor spaces were highlighted to mitigate this. Most of the residents should be parking on site as the parking is policy compliant. With regard to the MoD this is a unique situation and officers have had meetings with them. They had reviewed the application and could not object from a planning perspective however the onsite management team have highlighted their concerns due to the scale of this development and the site lines from the dwellings in the front looking onto the entrance of Northwood HQ. They were asked to provide details of any specific security arrangements that the LPA need to take into account but had not provided those. Based on our planning policies officers have made a judgement and by virtue of the distance to the site, the tree screen and that the trees are protected and that the buildings within Northwood HQ are set back within the site it is considered acceptable. However, that is a judgement based on the facts and the proposal before the Committee tonight. On space standards they do all comply with the national space policies. We do not have a specific space Local Plan policy, but we can have regard to the national one and the flats comply.

Councillor Chris Lloyd asked about the issue of security and would have liked more information from Northwood HQ. This site is unique and the largest development they could recall near to the base. They asked if it would be appropriate to defer the application to have further discussions. They may not be prepared to provide any information in public, but the Councillor would not want to give permission if it would jeopardise security although there might not be planning grounds.

The Planning Officer advised that the application had been delayed for a number of months because of ongoing discussions where officers had tried to get more information from them and had made a site visit and met with those who lodged the objection. They advised their principal and primary concern was the site lines / overlooking from the development. Officers had pushed to have more information provided and following discussions with their planning consultant they had advised that there are certain buildings in the country which have specific security arrangements. If that is the case, we would have to have regard to this which could mean that development would need to be reduced. Lawfully there could be a house on the site and there is one currently which is

2 storeys. It is a public road and people are able to walk pass the site but it is heavily secured by fencing and there is a significant amount of cameras and CCTV. There are further mitigations measures subsequent to those discussions with Northwood HQ with some of the balconies along the front now to have screening so that there is now no external circulation spaces where people can stand and look. There is still going to be views from windows at 4 storeys however parts of the site will look over the pond which is adjacent to the access. Only part of the building will overlook the access and the access for those who know the site it does curve down significantly, and a lot of the buildings are set back considerably from the road. From officers view it is very difficult to see how we can refuse the application on security grounds based on the information we have obtained.

Councillor Matthew Bedford said on the principal of development we all keep saying we want to put the maximum amount of development we can onto our existing built-up areas. This is one of those areas. If we are going to say that we can't put a lot of development into this sort of area, where do we think we are going to put the development in the District. All it does is put more and more pressure onto open Green Belt land. It had been mentioned that part of the site is in the Green Belt, but it is previously developed land within the Green Belt which is similar to Woodlands Road. If we don't put houses onto previously developed land it will go onto open fields. This has to be the sort of site we are looking at for development if we want to try and minimise the pressure on the open Green Belt. With regard to the comments on the design of the building and wanting everything to be arts and crafts we should not forget it is directly opposite a military base. With regard to the basement, we could assume that the building opposite also has a basement. We have no grounds on parking or highways to object and they were struggling to find something to not approve it. If we have asked the base for valid reasons why this should not go ahead, and they have not come back with anything then they did not see why delaying it for another cycle is going to be of benefit.

Councillor Abbas Merali appreciated the complexity of the application, but the Committee still do not have full disclosure of the security concerns. They could not approve something where the Committee are making an assumption on behalf of the MoD on what the security concern might be and overlooking. They understood that deferral might not disclose any further information but with the information currently provided they felt uncomfortable to support the application. On the planning matters, the site is partially in the Green Belt and referred to Paragraph 7.3.6 where we justified that on the basis of 36g and 36b it is an existing site which is derelict and needs to be improved but what is being proposed is disproportionate to what exists and has a disproportionate impact on the openness of the Green Belt. The proposed design does not conform to the character of the area and thought the design could be improved along with the massing.

Councillor Matthew Bedford said almost all of the development is not in the Green Belt and we are not able to use that as a reason for refusal.

The Planning Officer confirmed that a large amount of the building was not in the Green Belt but the balconies on the northern elevation would be slightly within the Green Belt boundary. There are terraces which will fall within the

Green Belt however, as advised earlier, that is offset by the loss of the garage and the retaining walls. The swimming pool would be returned to open land and woodland which is an enhancement, especially on openness. The play area would be an appropriate use in the Green Belt. Everything to the south is outside of the Green Belt. The site is adjacent to woodland to the north and houses to the south so any encroachment into the Green Belt is minimal and does not conflict with the purposes. On the security concern, comments had been submitted outlining the issues at Paragraph 4.18 and officers had tried to get some compromise. They did appreciate the town planning position but unfortunately, they cannot provide further details on specific security arrangements and can only express comments in general terms. Based on our current planning policies in terms of overlooking that is all officers can judge it on. There is a requirement for a distance of 28 metres, and this will be far in excess of this. If they provided their specific security issues, we could have made amendments, but we don't have that information, and this is their final response.

Councillor Abbas Merali said despite the discussions the base had come back still objecting but were not able to say why. They felt the Committee could not make the assumption on their behalf if there would be security breach. Had the Council taken any external advice on this.

The Planning Officer reported that they had sought advice on the basis that it is a unique situation and that advice stated it is a planning judgement based on our development plan and the information provided. If information had been provided that suggests that this is a high-risk situation and it cannot be overlooked in any way then clearly this would change. There are call in powers from the Government and if this was a substantial concern there are trigger points where the Secretary of State (SoS) could call the application in.

Councillor Raj Khiroya noted the application was first made in 2021 with a number of changes made since then but wondered if the applicant had engaged with the planning team and if a pre application was made.

The Planning Officer advised a pre application was made some years ago and a planning application was then submitted but was later withdrawn. The changes which had been made were highlighted in the report but included a reduction in the internal floor height, reducing the height of the building from 12.7 metres to a maximum of 12.3 metres, there had been changes to the design on the front and south west facing corner which is the most visible from Sandy Lane, the external appearance has altered from white render to dark red brick and greater landscaping was proposed across the site as well as additional information regarding the impact from the basement excavation on the trees on the boundary. With a basement you require significant excavation and a lot of that was going to be very close to some of the protected trees therefore the basement was amended so it would be much further off the boundary with Cedar House where you have a line of protected trees which are worthy of retention. The basement was changed in terms of its positioning to be set much further off the boundary to Cedar House where you have a line of protected trees which would be significantly enough away to stop damage throughout construction and there are tree protection measures which had been put forward which would need to be adhered to as well as a site

supervision condition would require at key stages of the development an arboriculturist to check that those measures are in place at key points.

Councillor Philip Hearn said there was a lot they liked about the development, and we do need a lot more housing and this area had been previously developed and we are not able to just reject any proposal. They did have a lot of concern on the security grounds and highlighted what the NPPF says which is “planning policies and decisions should promote public safety and take into account wider security and defence requirements.” It then goes on to state that we should recognise and support development requirements for operational defence and security purposes and ensuring that operational sites are not affected adversely by the impact of other developments proposed in the area. Based on the comments from the MoD they were struggling to go past this.

The Planning Officer said if that is a concern Members, they need to start considering moving a recommendation but could not see a deferment having any benefit for the reasons already advised.

Councillor Chris Lloyd said on planning grounds if there was not a base there it would be very different. What the officer was saying was they had been given ample opportunity to get the application called in. If the Committee were to approve the application, would they still have the opportunity within a certain number of days to call it in. They felt from a security point of view they had not provided enough information to enable Members to make a decision on this matter. Could the Committee delegate to the Director that we are minded to approve but we are not going to issue the notice for 2 weeks to give them one last chance to say if this is really a security issue you have two weeks to go to the Minister to get the application called in and for the Minister to determine it.

The Planning Officer said they would have to defer on that point to seek legal advice.

Councillor Chris Lloyd wished to move that the application be deferred to seek the legal advice on the security points as they would not be comfortable passing the application. The MoD have a choice of either calling in the application by the SoS or it is likely to come back to Committee in May and get approved.

Councillor David Raw also had concern on the MoD objection and being partially on Green Belt land therefore they felt it could be refused. The design is out of character, and it is overdevelopment for the area.

Councillor Stephen King said the aerial inside the base is a point for ingoing and outgoing aircraft from northwest London.

The Chair wished to go one step further and defer on the basis that the Committee are minded to approve on planning grounds but as the MoD have not come back and given a specific reason not to approve we are going to ask the Director to write to the SoS to ask if there is any particular reason why they are not prepared to provide any information.

Councillor Abbas Merali was minded to support the Chair's suggestion.

Councillor Matthew Bedford said the Committee needed to be clear whether they wish to approve the application or not. They were looking to move the application for approval. In terms of overlooking all they had said is a general

concern of line of sight into the main entry point. If the existing building was reinvigorated into a single house, there would be line of sight from the upstairs windows to the entry to the base today and you would not need planning permission and could occupy the house. You could easily put rooms in the loft so that you would have a 2nd storey window with line of sight into the base and this application only provides for one further floor. Members need to think about either passing the application or if we do defer send a very clear message that in our view this is an acceptable development and that they have a period of time by which to call it in after which it would be approved.

The Planning Officer advised that Members need to reach a decision which would be delegated to the Head of Regulatory Services because there is a legal agreement which needs to be secured and completed. If Members do make the decision to approve it could be on the basis that officers try to make contact with the MoD one last time to give them a timescale for them to respond and if they do respond then subject to their response it would be for the Head of Regulatory Services to consider whether or not the application should come back to Committee. If they are still saying the same things there is no point the application coming back. However, if they add some more information which is material to their objection and concern then it could come back to Committee which would still allow the S106 agreement to progress and we could be in a position where we are not stalling on the development, and we would not have non determination.

Councillor Matthew Bedford moved an amendment to the motion that the Committee delegate to the Head of Regulatory Services the approval of the permissions but allowing a fixed period of time for the MoD to respond in the knowledge that the permission will be given unless they get the application called in. If it is not called in, then the Head of Regulatory Services will approve it.

Councillor Chris Lloyd said if there is a significant security concern then we should give them this last chance. All the other points around planning are not sufficient to turn it down and was happy to second the motion amendment by Councillor Matthew Bedford.

On being put to the Committee the amended motion was declared CARRIED by the Chair the voting being 5 For, 4 Against and 0 Abstentions.

RESOLVED:

Approved Outline Planning Permission to be delegated to the Head of Regulatory Services to grant planning permission subject to a Section 106 Agreement (securing an affordable housing review mechanism), amended conditions regarding drainage and play area and on the basis that the Secretary of State (SOS) do not seek to "call in" the application on security grounds at Northwood Headquarters within a timescale to be agreed and circulated to members for agreement after the meeting.

PC 124/22 22/2025/FUL: Construction of mixed use scheme comprising 244 sqm of retail space (Class E(a), 36 flats (16 x one bed, 20 x two bed), associated access, car parking, bin and cycle storage and landscaping at ALPINE PRESS, STATION ROAD, KINGS LANGLEY, HERTS, WD4 8LF

The Planning Officer reported that Condition 2 should be updated to make amendments to the plan numbers but had no impact on the report.

In accordance with Council Procedure Rule 35(b) a member of the public spoke in support of the application and a member of the public spoke against.

Following the public speakers, the Planning Officer reported that with regard to parking as set out in the officer report we do recognise that there is a shortfall in car parking on the site however as stated applications within the vicinity including Shannon House and West Herts College had been refused on parking grounds, but the LPA have been unsuccessful in defending the reasons for refusal. The Inspectors had found that given their locations, as they are in close proximity to Kings Langley station, footpath and cycle paths and that there are parking restrictions within the locality there is nowhere for displaced vehicles. With the signage in the area regarding parking restrictions any future residents would be fully aware of what they are purchasing prior to any purchase. The appeal decisions relating to Shannon House and West Herts College are relatively recent and it is officers view that the decisions needed to be afforded weight in the decision-making process and referred Members to Condition 29 which related to the submission of a Parking Management Plan. The wording of that condition could be changed if Members felt that the parking needed to be more specific for example if the two-bedroom units in that location needed to have at least one space it could be amended. In terms of the height of the building, officers do recognise that it is going to be higher than other buildings in the vicinity, including the adjacent traditional two storey buildings, however the building is articulated such that the additional two storeys do not expand for the whole width of the built form and the flank elevations are to be set in and some set back which would reduce the impact. The materials to be used also helps minimise the impact and there is to be spacing across the site which would also help minimise impact. There are varied forms of buildings and varied heights in the road and the site is adjacent to Kings Langley station and could support a development which is a bit higher. Privacy had been addressed in the report and officers don't feel there would be an impact on privacy. The plans have been amended during the course of the application with the terrace at the 4th floor level only being accessible for maintenance purposes and could be controlled by a condition and officers suggested that be the case.

Councillor Philip Hearn said the Council have parking standards for a reason, they could not visualise what it would be like if they were not able to have a car to get around. The Councillor could not imagine the residents who lived there will not at some point think that they want a car. If the Inspector wants to go against our standards that's their view but if someone who lived there had a car they would want to know where they are going to park it.

Councillor Raj Khuroya said the report indicates that there is no parking for visitors and not enough for residents. Also had concern this will be tallest building on Station Road.

Councillor David Raw said car parking is an issue and was concerned about the impact on the other residents already living in the area. The building would be huge, and they felt would be overdevelopment and out of character for the area being too big and too high.

Councillor Matthew Bedford said this is a site we would like to see developed but want to see used well. Having seen the appeal rulings on the sites immediately opposite we are not going to be able to defend a reason for refusal on parking but would like to hear officers' comments on this. One issue which did concern them was the height of the building which would be on an elevated site above Station Road as opposed to the site which was given permission on appeal on the opposite side of Station Road which is on a sunken down site below the level of Station Road. The adjacent cottages, which are on an elevated site, from the road are the equivalent of a three-storey buildings, but what is proposed next to them is six storeys. Normally we are comfortable with two storey buildings and an adjacent three storey block of flats and have the exact configuration at several points along Station Road. But here you are looking at three storeys higher than the adjacent cottages which is where they get most of their light and sun from. The first cottage in particular is going to be impacted if we give permission for a six-storey building and a four-storey building would be more appropriate.

The Planning Officer advised that officers views were fully set out in the report. On parking we have been unsuccessful in defending two refusals on the grounds of parking. Alpine Press is closer to Kings Langley station than either West Herts College or Shannon House both of which were allowed by the Inspector based on significant shortfalls in parking. Officers feel that it is a sustainable location, close to the station and there are parking restrictions in place. With regards to visitor parking, we have suggested a car parking management plan which would hopefully alleviate some of the concerns, but officers don't think a reason for refusal based on parking is defensible. With regard to the overall height of the building yes it would be higher than others in the vicinity however the whole footprint would not be six storeys and feel that it would be articulated enough to not have a significant impact. It would change the appearance of Station Road but given the variation in the area the site lends itself to that scale of building. With regard to neighbour impact the issues have been set out in the report as to why we don't perceive there would be an impact and feel that there would be sufficient spacing between buildings and there are conditions to control aspects of overlooking and officers feel it is acceptable.

Councillor Matthew Bedford found the officer comments useful and agreed they would be reluctant to put a reason for refusal on parking however the sheer scale and height of the building were still a concern. On parking they could not see a condition which would make the residents of this block not eligible for the residents parking scheme along Station Road and thought such a condition should be included which would reduce the impact of the new residents on the already limited parking in Station Road.

The Planning Officer said officers would look at where the controlled parking zones were in the area and would control this via a S106 if Members felt it was appropriate.

Councillor Philip Hearn said if this was to be approved, a condition be included to make sure the spaces are not sold to people off the site. They felt allocated parking was not a sufficient use of space.

Councillor Raj Khuroya said a four-storey building is acceptable and a six-storey building not acceptable.

Councillor Ruth Clark said the development would be very high and have a big impact. Residents parking along the road is only Monday to Friday 9 to 5 and it would impact on the existing residents in the road in the evenings and at the weekends.

Councillor Chris Lloyd said the Committee had two choices to approve it or reject it due to the bulk and massing because of the contrast of the surrounding buildings and would be potentially happy to propose refusal with Councillor Matthew Bedford's agreement.

The Planning Officer advised that if Members were minded to consider refusal as set out in section 7.17.1 of the report the LPA cannot currently demonstrate a 5 year housing land supply and as such Paragraph 11 of the NPPF would be engaged which requires that there would be a presumption in favour of sustainable development and that it must be clear that the adverse impact identified significantly and demonstrably outweighs the benefits when set against the policy in the NPPF as a whole. In addition, if Members are minded to refuse the application, an additional reason for refusal would need to be included on the lack of a S106 agreement with regard to affordable housing not being completed.

Councillor Chris Lloyd had listened to the points the officer made but felt there were sufficient grounds to refuse based on the impact, bulk and massing. They moved refusal on those grounds with a second reason for refusal with regard to the absence of a S106 agreement securing the affordable housing contribution, seconded by Councillor Matthew Bedford.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being 6 For, 0 Against and 3 Abstentions.

RESOLVED:

The Planning Permission be REFUSED, due to height, bulk and massing of building adversely affecting streetscene and in the absence of a S106 agreement securing the affordable housing contribution the reasons for refusal being:

R1: The proposed building by reason of its elevated bulk and massing and excessive height which is exacerbated by virtue of its elevated positioning above Station Road would result in a visually prominent form of development which would adversely affects the character and appearance of the streetscene, contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM2 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

R2: In the absence of an agreement under the provisions of Section 106 of Town and Country Planning Act 1990, the development would not contribute to the provision of affordable housing. The proposed development therefore fails to meet the requirements of Policy CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).

PC 125/22 23/0191/FUL - Variation of Condition 2 (which requires the construction of a solid rendered wall to be erected to the first floor rear balcony) of

planning permission 22/1120/RSP at 44 SANDY LODGE ROAD, MOOR PARK, HERTFORDSHIRE, WD3 1LJ

The Planning Officer reported that Members had considered a part retrospective planning application at the December meeting whereby they resolved to grant planning permission subject to a condition requiring a solid rendered wall up to the eaves height on the flank of the first floor balcony. The applicant has sought to vary the condition by reverting back to an obscure glazed privacy screen at a height of 1.7 metres. A sample of the screen had been provided. The application for the flank roof lights within the flank rear projecting gable was allowed at appeal recently and followed a delegated refusal and overlooking as set out at Paragraph 1.2.

In accordance with Rule 35(b) of the Council Constitution a member of the public spoke against the application.

Batchworth Community Councillor Diana Barber said the property had been the subject of many applications and debate over the last few years and here we were again due to the applicant's refusal to comply with the conditions. What they wanted to protect was the right of the residents to privacy in their own back gardens and bedrooms. The applicant had been non-compliant with the decision taken by the officers and the Committee. The Community Councils objections remain unchanged that the proposed balcony finish has to be changed from an obscure glazed privacy screen to a solid rendered wall matching the external appearance of the existing dwelling and put up to the eave's height of the adjacent gable roof and to the depth of the first-floor balcony. The previous decision made by the Committee should be upheld and implemented.

Local Ward Councillor Reena Ranger said this Committee recommended the condition and agreed it and now we are here being asked to vary the condition which this Committee felt was required. Nothing had changed since the previous application and the condition should stay and we must protect our decisions and our planning process.

The Planning Officer said the recommendation previously was as per the original recommendation which was to revert back to a glass privacy screen. Members moved an alternative recommendation to require a solid wall. A photo of the proposed glazed panel was shown to the Committee and in the officer's view it would negate the privacy and overlooking concerns but acknowledge Members previously wanted a wall.

Councillor Abbas Merali said it sets a dangerous precedent when the Committee has rejected a proposal and then it comes back, and we should defend our decision.

Councillor Raj Khiroya said the Committee proposed a condition and now the applicant wants to vary it and we should ask the applicant to comply with what the Committee agreed.

The Planning Officer said Members need to be clear that what is being put forward is not appropriate and need to highlight the reasons and that the solid wall as originally required would serve the purpose to safeguard the neighbour's privacy.

Councillor Philip Hearn had a slight reservation of going down the line we were as a Committee, that we made a decision, and we should keep to it. What we asked was for the wall to go up to the eaves of the roof and felt that this may look rather incongruous and if this went to appeal are we confident that the glass screen would not provide privacy for the neighbours and was not convinced it would not.

Councillor Matthew Bedford said it was impossible to argue that a screen at level 5 privacy would not do what it needed to and in reality, if they go to appeal, they are going to win. But from the point of view of the neighbour it will not feel like that and do what is needed in the same way as a solid wall and does not address the neighbour concern which is they will feel overlooked. Why had the applicant not simply appealed the original condition why had they come back in this way.

The Planning Officer stated that it was contrary to what was advised to the applicant and the most appropriate route would have been to have appealed the condition attached to previous condition granted in December however we are not able to not determine an application submitted. What was being talked about was actual perceived overlooking rather than actual overlooking which Members may wish to discuss. Officers would be slightly wary if the application was refused as it may well be overturned on the basis that similar screens are provided across the district to prevent overlooking. Condition 2 does not require details to be submitted but it could be added. The plans show the depth of the screen to be the depth of the balcony and Condition 2 requires that the obscure privacy screen has to be at a height of 1.8 metres which includes the retaining wall which is currently in situ and for the depth of the balcony. The condition could be amended to be clear on the whole depth of the balcony in accordance with the drawing numbers and once erected permanently maintained in terms of siting, depth, height and security level.

Councillor Matthew Bedford asked if perceived overlooking was a valid concern like actual overlooking and clarification on any change to Condition 2 which the Committee could consider.

The Planning Officer said at the moment Condition 2 requires an obscure level 5 screen be erected but it does not require them to submit a physical sample to the Council although a sample was shown to the Committee. If Members wanted there to be clarification on what exactly they would build this could be provided to us within a timescale and once agreed, it would need to be erected on site as per the agreed details of the condition in terms of its positioning and height and securing it permanently there. Perceived overlooking is a material planning consideration but given where the balcony is sited, which is set quite far in from the boundary, and recently we had an appeal decision concerning the roof light on the rear gable where the Inspector did make comment in respect of the vegetation on the boundary also helping even though officers do not try to give too much reliance to that officers would be of the view that this is now acceptable. Condition 2 could be slightly amended to submit details to the LPA and maybe to include wording for the entire depth, so it is clear what is expected.

Councillor Chris Lloyd thought with those changes they would be happy to move the officer recommendation because if the glass cannot be seen through

and we get the other additional details included then the neighbour would not be able to look in. If the screen at some point in the future broke or was not replaced the Councillor assumed, we could take enforcement which would mean they would have to put the screen back.

The Planning Officer confirmed this was correct and it would be a breach of condition notice and there is no right of appeal.

Councillor Raj Khiroya said the application had been discussed at great length when it came before the committee, and we had heard from a neighbour and overlooking into the bedroom, and they still thought there was a question of perception as well. The proposal may or may not do what it is intended to do but what we agreed in the first place is what we should be imposing and moved refusal on perceived overlooking seconded by Councillor David Raw.

Councillor Abbas Merali thought the Committee had fair planning grounds to refuse the application and that if the application was agreed would set a dangerous precedent. This was yet another retrospective application coming to the committee with enforcement issues.

On being put to the Committee the motion was declared CARRIED the voting being 5 For, 0 Against and 4 Abstentions.

RESOLVED:

That Planning Permission be REFUSED due to unacceptable level of perceived overlooking from the lack of a solid screen at the first-floor balcony the wording of the reason for refusal being:

R1: In the absence of a solid rendered wall, the proposed obscurely glazed screen to the first-floor rear balcony would fail to adequately address the unacceptable level of perceived overlooking which would result to those adjacent residents at 46 Sandy Lodge Road. The variation of condition 2 would therefore be unacceptable and contrary to 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).

Councillor Matthew Bedford left the meeting.

PC 126/22 23/0248/FUL – Demolition of detached garage, store and conservatory; erection of single storey rear extension and two storey side extension at 102 KINDERSLEY WAY, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DQ

The Planning Officer reported that there were no updates.

Councillor Chris Lloyd moved, seconded by Councillor Raj Khiroya that Planning Permission be Granted as set out in the officer report. There had been zero comments received following the consultation.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being unanimous of the Committee Members in the room.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the conditions and informatives as set out in the officer report.

Councillor Matthew Bedford returned to the meeting.

Councillor Raj Khiroya left the meeting.

PC 127/22 23/0304/RSP – Part Retrospective: Erection of front porch and alterations to external materials including render at 32 BEACON WAY, RICKMANSWORTH, HERTFORDSHIRE, WD3 7PE

The Planning Officer reported that there were no updates.

Councillor Chris Lloyd moved, seconded by Councillor Stephen King that Planning Permission be Granted as set out in the officer report.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being unanimous of the Committee Members in the room.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the conditions and informatives as set out in the officer report.

Councillor Raj Khiroya returned to the meeting.

PC 128/22 23/0356/RSP Retrospective: Conversion of two dwellings into one with associated internal works, erection of replacement front porch and demolition of existing garage at 162 AND 164 HIGH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BA

The Planning Officer reported that there was no update.

In accordance with Council Procedure Rule 35(b) a member of the public spoke in support of the application.

Batchworth Community Councillor Diana Barber stated that the Council's previous reasons to refuse should be upheld. There continued to be disregard for the architectural heritage of not only the town but this dwelling but more importantly the loss of the dwelling. The typical two up and two down cottages were a first-time buyer's home or a small home for low rent which we now call affordable. This is exactly the type of home we are desperate for in TRDC and the loss of the home is what we should be considering here and must regain the four bedrooms for two families rather than four bedrooms for one family. The Council must ensure the house reverts back to two dwellings with reconfigured stairwells. The reason for the original refusal and subsequent appeal remains the same for this application.

Ward Councillor Lisa Hudson said the applicant had made mistakes, but they were unintentional and may have been due to lack of guidance. The applicant would like to live with their family in this house and had spent a considerable amount of time and funds creating a family home sympathetic to the street scene providing sizeable accommodation without diminishing the bedroom count. To request that the applicant turn the clock back is futile. Taking into account the relevant H&S laws on the staircases they felt it required a different approach and wished to seek an up-to-date solution which retains the integrity

of the property for the foreseeable future and asked whether this could be through a CIL contribution

The Planning Officer reported that the report at Paragraph 7.2 onwards talks about the policies which officers had assessed the development by. The policies are still current and there had been no change in planning policy to provide a supply of homes which is stated in Paragraph 60 of the NPPF. Likewise, our local policies do not support the loss of dwellings. The application has gone to appeal and was upheld by the Inspector who found that it would not be acceptable for a loss of a dwelling to occur. We feel the current policies do apply and there has been no change and feel that the application should be refused. With regard to policy CP4 and commuted sum payment formulas – the policy relates to affordable housing and a net gain in dwellings and the policy does not make provision for compensation measures or loss so in terms of how you would calculate what the contribution should be the policy does not relate to that and officers don't feel that is relevant and can be applicable.

Councillor Matthew Bedford said they would not wish to see a loss of a dwelling but asked officers to clarify if we do refuse the application what would happen and would there be enforcement action.

The Planning Officer advised that the next steps would be to prepare an enforcement notice but the applicant would still have the ability to appeal this decision so there may be a period of delay in the enforcement notice being served. The enforcement notice would seek to reinstate two dwelling houses, but the officer could not say what the steps would be to ensure that position. The effect of enforcement notices is twofold it remedies the breach by making the development comply and restoring the land back to its condition before the breach took place which means that the notice would seek the house turn back to what was on the pre-existing plans. Alternatively, it does state that you can remedy any injury caused but the notice would still require two dwelling houses to be put back within the land, but the steps may not be as specific to reinstate the status quo. It might be that certain windows internally might need to be blocked up and doors blocked up and there might have to be a degree of separation within the gardens to provide separate amenity spaces. How it would work internally would require a lot of remodelling given the extent of the internal changes which have been made. It is regrettable we are in this position and unfortunately pre app advice was not sought prior to the works. There is a degree of negotiation officers can have with the owner but ultimately it would have to turn back into two family dwellings as per our policy. If we do require it to go back to the pre-existing condition the applicant would be able to appeal certain parts of the notice and one of the appeal elements could be that the steps within the notice are excessive and there could be lesser steps that could take place to achieve the desired result which would be something for officers and the Planning Inspectorate to consider. It will depend on what is put within the notice, but the applicant still has the ability to appeal the notice which gives the chance to ascertain whether what we put in notice is acceptable to them. It is likely that this process will take some time, but we will try to negotiate with them first.

Councillor Abbas Merali asked if there were any grounds to find a solution.

The Planning Officer advised that they thought it would be difficult. There are various material considerations which you could give different weight to which could outweigh the harm, the harm being the loss of the dwelling, which had been backed by The Planning Inspectorate. The offer of an affordable housing contribution is a material consideration, but it is not of weight or has any context behind it and how much is an acceptable amount to outweigh the harm. Officer's view is there is no material consideration available at the moment to suggest that we should be outweighing the harm.

Councillor Chris Lloyd had sympathy with the applicant but there had been no pre app advice sought but if they were to come back with another application and we are going to more of a contribution to affordable housing, a rhetorical question, we might look at it in a different light as we might get another dwelling. The Councillor would accept turning the application down, but it maybe found there was another way but at this time we should go with what the Inspector did.

Councillor Philip Hearn said the applicant had mentioned there was different requirements around building control on staircases and if the Committee refused the application and went down an enforcement route is it possible to return the dwelling to two, two-bedroom family homes. If the answer is no, we could end up in a long-drawn-out situation to try and resolve. It will be hugely expensive to split the house.

The Planning Officer advised that they were sure it was possible, but it would cost a lot of money. They doubted the notice would specify it had to be two-bedroom properties but would specify it had to be returned to two dwelling houses and the steps within the notice which seek to change some internals will then dictate how many bedrooms. The pre-existing situation was that there were 2 two bedrooms, but they had the availability of bedrooms in the loft, and someone could use the bedroom for a different purpose, and you do not require planning permission for internal changes. The concern will be what is put into the notice. There is a mechanism for the applicant to appeal the notice if they feel the Council have been onerous on the steps and for the Planning Inspector to consider this. There was a pre application submitted but it was post the works not pre the works.

Councillor Abbas Merali commented on the principle of providing more affordable housing contribution.

Councillor Chris moved that retrospective planning permission be refused seconded by Councillor Matthew Bedford. The applicant may wish to put forward a new application which provides more contribution towards affordable housing.

On being put to the Committee the motion was declared CARRIED the voting being 8 For, 0 Against and 1 Abstention

RESOLVED:

That Planning Permission be REFUSED for the reasons set out in the office report.

PC 129/22 23/0381/RSP - Part Retrospective: Loft conversion incorporating hip to gable extension; front and rear dormer windows; front rooflight and flank window at 133 FRANKLAND ROAD, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3AS

The Planning Officer reported that there were no updates.

The Chair knew the road and did not have any issue with what was being proposed.

Councillor Matthew Bedford moved, seconded by Councillor Raj Khiroya that Part Retrospective Planning Permission be Granted as set out in the officer report. The only reason the application was coming to Committee as it related to an employee of the Council.

Councillor Philip Hearn was surprised that the application had got through validation as they could not find any pre-existing plans of the site and see what the existing layout of the site was against the proposal before the Committee.

The Planning Officer advised that the application was considered to have sufficient information for officers to assess the scheme. For clarification the officer showed the location of the pre-existing hip and the pre-existing position of the chimney.

Councillor David Raw referred to Croxley Green Parish Council's comments that the hip to gable loft extension is contrary to the Neighbourhood Plan Policy CA2 and CGB and sought clarification on what they were referring to on the plans.

The Planning Officer advised that hip to gable or roof alterations was effectively when one alters a roof from a hip to a gable. They also referenced the front dormer but there is no resistance to front dormers within the Croxley Green Neighbourhood Plan.

On being put to the Committee the motion was declared CARRIED by the Chair the voting being unanimous.

RESOLVED:

That PLANNING PERMISSION BE GRANTED subject to the conditions and informatives as set out in the officer report.

CHAIR

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PLANNING COMMITTEE – 25 MAY 2023

PART I - DELEGATED

5. **22/1621FUL – Partial demolition of existing dwelling and construction of basement, two storey rear extension, two storey side extension, loft conversion including rear dormers and rooflights, construction of chimney and alterations to fenestration at 36 MAIN AVENUE, MOOR PARK, HERTS, HA6 2LQ**

Parish: Batchworth Community Council.

Ward: Moor Park and Eastbury

Expiry of Statutory Period: 29.05.2023 (Agreed Extension) Case Officer: Lauren Edwards

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by Batchworth Community Council unless Officers are minded to refuse for the reasons set out in full at 4.1.1.

UPDATE

The application was brought to the planning committee meeting on 17 November 2022. At this meeting Members resolved to defer the determination of the application to a future meeting in order for Officers to 1) request a Flood Risk Assessment, and 2) seek clarification from the conservation officer in respect of their position.

In relation to the floor risk assessment, this has been addressed by the applicant's submission of a Basement Impact Assessment which looks at the impacts of the basement on flooding. The relevant section (7.7) of this report has been updated accordingly.

In relation to point 2), updated written comments have been received from the Conservation Officer which can be found at section 4.1.3. The Conservation Officer has clarified that whilst there are opportunities to improve the proposed development the scheme as currently submitted would not, overall, result in unacceptable harm to justify refusal. The analysis section at 7.1 remains unaltered.

The other sections of the report remain as previously published.

1 Relevant Planning History

- 1.1 21/2527/FUL - Construction of basement, part single, part two storey rear extension, first floor side extension, loft conversion including front dormers – Refused for the following reasons:

R1: *The proposed extensions by reason of their design, scale, siting and loss of characteristic features (original chimney) would fail to preserve or enhance the existing dwelling, a pre-1958 house which by virtue of its relatively unaltered/extended condition positively contributes to the character and appearance of the Moor Park Conservation Area. The first floor side extension, front dormers and scale of the two storey rear extensions combine to unacceptably erode the character of the house which is further undermined by the loss of the original chimney, loss of soft landscaping to the frontage and the reduced gap to the north eastern boundary. The harm identified results in less than substantial harm to the heritage asset. No public benefits have been identified which outweigh the identified harm. The development would therefore be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (2006) and NPPF (2021).*

- 1.2 8/288/88 - Extension to bedroom, bathroom. Permitted and implemented.
- 1.3 8/253/83 - Conversion of garage into games room, carport. Permitted.

2 Description of Application Site

- 2.1 The application site is irregular in shape and contains a detached dwelling located on the north western side of Main Avenue, Moor Park. The dwelling is located within the Moor Park Conservation Area.
- 2.2 The existing dwelling is a two storey detached dwelling, finished in mixed red brick with a dark tiled hipped roof form. The dwelling has an existing carport to the eastern flank, and an existing first floor side extension to the western flank.
- 2.3 The dwelling is set back approximately 16m from the highway, at an elevated position. To the rear, a patio area abuts the rear elevation of the dwelling, leading to an area of lawn and soft landscaping.
- 2.4 The neighbour to the east, number 34 Main Avenue, is a two storey detached dwelling. This neighbour has two, two storey front gable projections and existing rear dormer windows resulting from historic extensions. This neighbour is located on the same building line, at a lower land level than the host dwelling. The neighbour to the west, number 38 Main Avenue, is a white rendered, two storey dwelling, constructed up to the shared boundary with the application site. This neighbour is sited on the same building line as the host dwelling, at a higher land level.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the partial demolition of existing dwelling and construction of basement, two storey rear extension, two storey side extension, loft conversion including rear dormers and rooflights, construction of chimney and alterations to fenestration.
- 3.2 In order to facilitate the proposed development the existing single storey garage projection to the side will be demolished in addition to the existing single storey rear projection which currently accommodates a downstairs toilet.
- 3.3 The proposed two storey rear extension would have a depth of 4m and would extend across the rear elevation of the existing dwelling. This element would be facilitated by the creation of a triple pitched roof to the rear, with each pitch set down 1m from the main ridge and hipped to the rear.
- 3.4 The proposed two storey side extension would be facilitated by the demolition of the existing single storey side projection. It would have a width of 4m and would extend the depth of the main dwelling at ground floor level but would be set back 1.5m from the main front elevation at first floor level. This element would have a hipped roof and would be set down 0.5m from the main ridge.
- 3.5 A loft conversion is also proposed which would be served by two rear dormer windows sited between the rear pitches. Each would have a height of 1.7m, width of 1.8m and a depth of 1.9m.
- 3.6 A basement is also proposed. This would be largely contained under the two storey rear extension with a central section projecting under the existing dwelling. The proposed basement would have a depth of 2.7m below ground level.
- 3.7 Amended plans have been received to make the following revisions:
- Omission of the rear dormer within the two storey side extension;

- Omission of the roof lights within the rear of the two storey projections;
- Revisions to the first floor glazing to reduce their overall extent and to ensure the smaller windows relate to the existing style;
- Reduction in the overall depth of the two storey rear projections;
- Omission of the new chimney.
- Integration of lines on the proposed floor plan to show proposed supporting beams
- Removal of orange demolition lines from the elevations
- Submission of a section showing the depth of the proposed basement
- Revision of front elevation to more accurately show the side extension wrapping around the chimney
- Revision of 'garage' to say 'store'

3.8 This application follows the refusal of a previous application which was refused via application 21/2527/FUL. The differences between the refused scheme and that which is now being considered are summarised below:

- Inclusion of the demolition of the existing single storey side projection;
- Omission of front dormer windows;
- Set down of the two storey side projection and incorporation of existing chimney;
- Revised approach to the two storey rear extension;
- Omission of any alterations to the hardstanding to the frontage.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

This application is another example of the extensive demolition and subsequent redevelopment of a 1930's house in the historic Conservation Area of Moor Park. The application completely ignores the local MPCAA and in effect leave little of the existing property and will be detrimental to the area and the principals of the Conservation Area status.

Furthermore, this application follows another similar application (21/2527/FUL) which was refused following significant negative feedback from Conservation Officers, Landscape Officers, TRDC, Batchworth Community Council, & MP58. All of this followed a Pre-Application and advice provided by TRDC Officers that was not followed or taken into account when that initial application was submitted. A significant amount of that same advice seems to have also been ignored with this revised application.

In addition, the Conservation Officer comments at the time of the 2021 Application stand as of today and we await their comments to this application. Once received and reviewed by BCC we would wish the right to add any additional comments we have.

BCC strongly objects to this application for the following reasons:

1. Firstly, we note the change in the architects between applications which obviously the applicant is entitled to. More importantly there has been a reduction in the clarity of the proposed changes. The initial information whilst unacceptable & refused was clearly prepared & easy for all parties to review whilst the new drawings are reduced in scale and made difficult to read.

2. The result we believe is that the extent of the proposed demolition is not clearly being shown. We would ask that we seek clearer documentation akin to the original application with individual drawings for each element of the application (large scale). Once received all parties can carefully review the full extent of the planned project.

3. *The extent & size of the proposed planned redevelopment is such that a significant part of existing building is removed to the detriment of the Conservation Area. The extent of this is such that it could almost be considered as a complete redevelopment rather than part demolition and an extension and refurbishment, akin to the situation at 30 South Approach recently. This can be clearly identified in the Block Plan Drawing 5678/PL001.*
4. *Many of the existing features of the pre-1958 (1930's) building will be lost with this application and need to be preserved.*
5. *This application is largely the same as the previously refused application and if anything, worse as it is larger in scale and completely ignores the feedback and decisions given on the previous application.*
6. *The overall scale increases the footprint significantly and we would ask TRDC to check it complies with the 15% ratio set in Moor Park. We are of the opinion that it exceeds the 15%.*
7. *As mentioned above the size & scale of this application is larger than the previous application. This can be clearly seen when reviewing the proposed front & rear elevation drawings of this application against the previously refused application as well as in other drawings.*
8. *The size and scale of the basement has also increased from the previous application. We would seek a report that this enlargement will not have a negative effect on the water table in the area and lead to creation of flooding issues elsewhere on or off site.*
9. *The rear & side extensions now extend to the majority of the house, thus increasing the footprint and increasing the square footage on floors throughout the property.*
10. *The garage has been reduced to a large single garage thus increasing the need for hard standing for additional cars to park.*
11. *The overall increased scale & height of this proposed development will encroach on the privacy of adjoining properties amenity space and potentially those whose gardens back onto to the rear of 36 Main Avenue.*
12. *The overall height of the revised application will have a negative effect on the street scene and will impact negatively in particular with the adjoining properties.*
13. *The size and scale of the three rear dormers are out of character of the Conservation Area and should be reduced in scale and the number of Velux windows (seven) is excessive.*
14. *There is a considerable increase in the hard standing and site coverage, and that added to the inclusion of the basement could have considerable effect on the water table and potential flooding in an area already susceptible to this problem. All necessary environmental reports should be sought to ensure these problems do not increase the existing problem. In addition, alongside the environmental reports a detail drainage plan should be provided and approved before any works commence as a requirement of any planning consent.*
15. *Before any approval is given to any application the previous comments and feedback provided by the 2021 Pre-Application and the comments from the Conservation Officer, TRDC, BCC & Moor Park 1958 all need to be accounted for.*

16. Should this property reach a stage whereby an acceptable application is submitted and approved it should be subject to a stringent independent monitoring program at the cost of the applicant and the preparation & approval of a Construction Management Plan which should be subject to review by TRDC, BCC & MP58.

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

Officer comment: BCC were sent the advised of the submission of amended plans. No further comments received to date. Any further comments received will be provided as a verbal update at the committee meeting.

4.1.2 National Grid: No response received.

4.1.3 Conservation Officer: [No objection]

The Conservation Officer verbally advised the case officer that they did not raise any in principle objections to the scheme. They did request the front elevation be revised as the positioning of chimney as has been shown was misleading.

Officer comment: A revised plan has been received to more accurately show the retained chimney.

Prior to the November committee meeting Officers did receive formal comment from the Conservation Officer stating they had no in principle objection to extending the property. Some concerns had been raised in relation to the loss of fabric and a condition was requested to prevent this. The rear extensions were considered to preserve the character and appearance of the Conservation Area. The side extension was also of concern and the potential negative impact on the chimney. There was a preference for this to be omitted and further scope to reduce the impact by setting the side extension down further from the ridge.

Following the November committee meeting updated formal written comments have been received in order to clarify the Conservation Officer's position.

This application is for the partial demolition of existing dwelling and construction of basement, two storey rear extension, two storey side extension, loft conversion including rear dormers and rooflights, construction of chimney and alterations to fenestration.

The property is located in the Moor Park Conservation Area.

There would be no objection in principle to extending the property. However, there are some concerns regarding the scale and the impact this would have on the building's fabric. I recommend a condition relating to a demolition plan and a method statement is attached to ensure this scheme is feasible without an excessive loss of fabric.

Notwithstanding this, the appearance of the rear extensions would preserve the character and appearance of the Conservation Area. I recommend a condition is attached relating to materials to ensure they relate well to local character and distinctiveness. There are some concerns regarding the side extension and there is a preference for this to be omitted as this would better preserve the streetscene. The side extension would also have a negative impact on the prominence of the chimney, which is noted as a positive feature within the area appraisal. There may be scope to reduce the visual impact of the side extension by omitting the single storey front element and setting the ridge down further, so it appears more subservient. I would also recommend that the dormers are reduced slightly and have a pitched roof to better relate to the host building.

Whilst improvements could be made to the scheme, overall, the proposal would not have a detrimental impact on the character and appearance of the conservation area.

4.1.4 Moor Park 1958 Limited: [Objection]

The Directors of Moor Park (1958) Limited wish to express the following strongest possible objections, concerns and related material planning comments on the submitted application as set out below. We also will be seeking elected member (and other) support for the application to be called in if the officers are minded to recommend the application for approval.

Our strong objections and related comments are as follows:-

1. At the outset we wish to vigorously identify the true nature of this application.

Despite the description of the development, we strongly contend that this large scale “wrap-around” style extension, combined with very extensive internal demolition at ground and first floor level and including a partial basement beneath the dwelling, is tantamount to the demolition and replacement of this important pre-1958 dwelling. In light of this, we would respectfully invite the Council to urgently review the exact nature and intention of this development and to revise the description accordingly.

There are far too many similarities contained in this current application and other similarly described supposed “extension and alteration” type schemes, that eventually resulted in the complete demolition of important pre-1958 dwellings elsewhere in the Moor Park Conservation Area, not least at 27 Sandy Lodge Road and very recently at 30 South Approach – debated recently at planning committee.

As with the current application, these similarities included (i) substantial extensions at ground, first floor and roof levels, (ii) ‘wrap around’ style extensions, (iii) alterations to the elevations/fenestrations and (iv) substantial internal demolition at ground and first floor level. There can be little doubt, upon closely inspecting the floor plan drawings, that the interior of the dwelling is basically being “gutted”.

In light of this, we would respectfully, but very purposefully ask that, whatever decision the Council makes on the current or subsequent schemes at this site, that it puts every conceivable planning constraint, restriction, control, condition and monitoring in place (with such notifications being sent to/served on all involved in the scheme including the scheme architect, the property owner(s) and the nominated main contractor/site manager) to prevent the eventual unauthorised demolition of yet another important “original/pre-1958” dwelling within the Moor Park Conservation Area from happening yet again.

As the Council will be aware we have had to raise the same grounds of objection and concern in regard to similar development schemes recently at 16 Thornhill Road (ref 22/1160/FUL), 7 Wolsey Road (ref 22/1291/FUL) and 117 Wolsey Road (ref 22/1520/FUL).

2. We wish to highlight that while there is no red shading at ground floor level on the front elevation of the existing dwelling (as shown on drawing ref PL004), there is red shading on the front elevation, as shown on the “proposed ground floor plan” (drawing ref PL003). Does this mean that some demolition and/or other alterations are actually proposed on the existing front elevation?

3. Also the “proposed ground floor plan” shows extensive double dashed orange coloured lines (denoting demolition) along the west side elevation and across the entire front elevation?? We would be grateful if the applicant via the Council could urgently clarify exactly what is meant by this notation.

4. Also at the outset, in the assessment and determination of this latest application, we would request that the Council gives full weight to the various material planning considerations and issues that comprised all or any of the following:-

(i) any adverse aspects highlighted by the Council in its response to the 2021 preapp submission at the application site (ref 21/0221/PREAPP) and (ii) the various planning objections/concerns highlighted by the Council's Conservation Officer, ourselves and Batchworth Community Council, plus the reason for refusal in regard to the refused application ref 22/0101/FUL that stated,

inter alia:-

"The proposed extensions by reason of their design, scale, siting and loss of characteristic features.....would fail to preserve or enhance the existing dwelling, a pre-1958 house which by virtue of its relatively unaltered/extended condition positively contributes to the character and appearance of the Moor Park Conservation Area..... the.....scale of the two storey rear extensions combine to unacceptably erode the character of the house...."

5. In terms of our specific and detailed objections and concerns, it is our contention that the application proposals are materially detrimental and therefore harmful and unacceptable in planning terms for the following reasons:-

- *the side extension, and especially the height of the ridge, lacks a sufficient degree of subserviency in its relationship with the ridge height of the existing property and hence represents an unacceptably over-dominant and excessive scale and form of development that materially detracts from the scale, proportions and integrity of the host dwelling and hence unacceptably diminishes the positive contribution the pre-1958 dwelling makes in its Conservation Area setting. In our view in order to reduce its unacceptable scale and harmful impact, the side extension should be much further recessed from the front elevation than shown on the current drawings,*
- *the bulk, height and depth of the rear extension entirely over-dominates and indeed almost entirely subsumes the rear elevation of the existing property. It lacks an acceptable and appropriate scale, it effectively leaves no reference to the existing rear elevation and hence shows no regard or respect to the scale, appearance, character or integrity of the pre-1958 host dwelling at this point,*
- *the three rear dormers are oversized and are therefore unacceptably overdominant features in the rear elevation and hence will result in a cramped form of roof design. In particular, the dormer in the rear elevation of the proposed two storey side extension, is of excessive size and is fundamentally not of good proportions, in balance or subservient within this section of roof (para 3.7 of the approved MPCAA refers),*
- *the introduction of a total of 7 velux windows is excessive and therefore demonstrably out of character with the style, character and design of this pre-1958 dwelling in particular and also out of keeping with the overall character and appearance of the surrounding designated Conservation Area,*
- *the three velux windows in the three rear projections are excessive and overdominant in size and hence would result in a cramped and poor design, as a result of them not being in proportion or balance to the top of the hip roof design within which they are shown to be situated,*
- *the Council will be aware of the heightened level of awareness and scrutiny that is now associated with the construction of basements within the Moor Park Conservation Area. As you will be aware, this arose in April/May 2020 as a result of a scheme involving the construction of a basement elsewhere within the estate (at 17 Sandy Lodge Road – ref 20/0863/FUL).*

As a result, we would respectfully request that the Council makes clear to the applicant that this current application, due to the inclusion of a large basement area, will require an enhanced level of detailed analysis and professional research and assessment of flood related issues, which represents a material planning consideration that requires the detailed submission of all relevant flood impact information relating to the development.

The Council will be very aware of our ongoing concerns, and previously clearly stated objections in regard to proposed basements within the Moor Park Estate Conservation Area, (as supported by paragraph 3.8 the MPCAA); namely the potential and materially damaging impact arising from the construction of basements that:-

(i) no surface water flooding will occur as a result of the basement construction and

(ii) that there will be no material harm to any underground water course(s) in the vicinity of the site as a result of the basement construction.

In light of this, it is our clear and strong contention that the submission of all relevant flood impact, as a matter of “good professional practice”, insisted upon by the Council in 2020, should be fully pursued and assessed in relation to any FUL scheme, and we can see no grounds or justification as to why this current application should be exempt from such scrutiny.

As a result of all of the foregoing, the proposed development represents an unacceptable and materially harmful form of development that has a detrimental and negative impact on this pre-1958 host property and furthermore fails to preserve or enhance the character and appearance of the Moor Park Conservation Area.

In light of the above, the scheme fails to accord with the provisions of the approved MPCAA as set out in paragraphs 2.7, 3.1, 3.4, 3.6, 3.7, 3.8 and 3.10 of that document.

Officer comment: Moor Park 1958 Ltd were sent the advised of the submission of amended plans. No further comments received to date. Any further comments received will be provided as a verbal update at the committee meeting.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6

4.2.2 No of responses received: 2 objections

4.2.3 Site Notice: Expired: 06.10.2022 Press notice: Expired: 07.10.2022

4.2.4 Summary of Responses:

- Garage shown on floor plan but window shown in front elevation
- Query if the set down of the side extension was sufficient
- Survey requested of basement impact – flooding and foundation impacts
- Loss of privacy
- Extensions not in keeping
- Impact of building work

4.2.5 Neighbours were re-consulted on 26.10.2022 for 14 days (expiry 09.11.2022). This was carried out on the basis of the amended development description and amended plans received. Following this 2 further comments were received (1 additional comment and a further comment from No.38)

4.2.6 Summary of additional comments:

- ‘Garage’ shown on floor plan not changed
- Previous comments remain unchanged
- Damage/noise during construction works
- Impact on foundations
- Party wall concerns

- Overshadowing
- Overlooking
- Overdevelopment
- Impact on trees
- Main Avenue is located on a hill and concerns are raised in relation to groundwater flow.
- No FRA submitted.

4.2.7 Further amended plans have been received to revise the 'garage' annotation.

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 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).

6.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.

6.3 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 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".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. 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.

6.4 The Three Rivers Local Development Plan

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.

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.

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, DM13, Appendix 2 and Appendix 5.

6.5 Other

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

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

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.

7 **Planning Analysis**

7.1 Impact on Character, Street Scene and Conservation Area

- 7.1.1 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 (adopted October 2011) 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'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD relates to residential development. It sets out that 'layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (eg hedges, walls, grass verges).
- 7.1.3 The NPPF gives great weight to the conservation of heritage assets and requires 'clear and convincing justification for any harm to or loss of significance and requires new development within Conservation Areas to enhance or better reveal their significance'. Policy DM3 of the Development Management Policies LDD relates to development in Conservation Areas and states that development will only be permitted if it is of 'a design and scale that preserves or enhances the character or appearance of the Conservation Area'. Policy DM3 of the LDD also outlines that demolition in a Conservation Area will only be supported if the structure to be demolished makes no material contribution to the special character or 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.
- 7.1.4 Appendix 2 of the Development Management Policies document states; '*oversized, unattractive and poorly sited additions can detract from the character and appearance of the original property and the general street scene*'. Applications for two storey side extensions should be set in from the boundary by 1.2m at first floor level. With regard to distances to the flank boundaries, the Moor Park Conservation Area Appraisal advises the following in order to retain the spacious character of the area:

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.

- 7.1.5 The proposed development would result in the demolition of the existing single storey side projection. The existing dwelling including this element amounts to a plot width coverage of 90%. The proposed two storey rear extension would extend in line with the existing flank and the proposed two storey side extension would be set in a minimum of 3m from the boundary. The proposed development would also equate to a plot frontage width of approximately 79%. As such, this would comply with the guidance set out in the Appraisal and Appendix 2 of the DMP LDD in relation to its proximity to the boundary.
- 7.1.6 The proposed two storey side extension would be set in 3m from the flank boundary and as such would respect the spacing that is characteristic of the Conservation Area. The proposed two storey side extension would not extend beyond the main front or rear elevations and would be set down from the main ridge by 0.5m. Additionally the first floor element would be set back from the front elevation. Overall the proportions of the two storey side extension would result in its subservient appearance to the host dwelling. The main front elevation and roofslope of the existing building are shown on the submitted plans to be retained in its current form and as such the proposed side extension would not detract or overwhelm the characterful features of the front elevation which are the most important features of this pre-1958 dwelling.
- 7.1.7 Appendix 2 of the DMP LDD outlines that single storey rear extensions to detached properties should not exceed a depth of 4m and that two storey rear extensions will be assessed on their own merits. It is acknowledged that the proposed two storey rear extension would extend across the whole of the main rear elevation. However would have a depth of 4m therefore complying with the guidance of Appendix 2. Additionally it would not extend beyond the existing flanks and would be set down from the main ridge by 1m and the roof form would be hipped at the rear. Whilst some views of the proposed extension would be had the rear elevation of the existing dwelling is not directly appreciable from the streetscene. Additionally the fenestration detailing has been revised such that it now responds more sympathetically to the character of the main dwelling and respects the hierarchy of windows expected to upper floors. The layout and design of the proposed fenestration to the two storey rear extension also assist in subservient appearance of this addition. Excessive amounts of glazing can result in vertical emphasis of an extension however in this case the proposed glazing visually assists in ensuring the rear extension appears as a proportionate addition to the host building. In any event by virtue of its depth and design it is not considered that the proposed rear extension erodes the character of the existing dwelling such that demonstrable harm would result to the character of the wider Conservation Area.
- 7.1.8 In addition, the Moor Park Conservation Area Appraisal states that:

Buildings, including all out buildings (garages, car ports etc), should not cover more than 15% of the plot area. The building cover includes any areas at first floor level which overhang the ground floor or any built areas at basement level where these extend beyond the ground floor.

The site has an area of 1,693m² the existing building amounts to a plot coverage of 14%. As a result of the proposed extensions the resultant dwelling would equate in an overall plot coverage of 14%. As a result of the proposed extensions the resultant dwelling would have a plot coverage of 17%. Therefore would exceed the guidance of the Conservation Area Appraisal in this respect. Notwithstanding this the purpose of the guidance set out within the Conservation Area Appraisal aims to ensure development respects the spaciousness of the Conservation Area and to prevent overdevelopment. The exceedance of the plot coverage guidance is noted however this would not in itself give rise to a direct reason for the unacceptability of a scheme. An exercise of planning judgement still needs to be carried

out in relation to the impact of individual schemes. As outlined in the previous sections the proposed two storey side and rear extensions would respect the spaciousness of the application site and Conservation Area. Both elements would be sympathetic additions to the host dwelling respecting the characterful form and features of the main dwelling. By virtue of their siting off the boundary and overall design form it is not considered that the proposal would constitute overdevelopment of the site which would result in demonstrable harm to the character or setting of the wider Conservation Area.

- 7.1.9 The Moor Park CA Appraisal sets out that applications for basement levels which are evident on street elevations are considered uncharacteristic of the conservation area and as such are unacceptable. The proposed basement would be fully subterranean and thus would not be apparent from the Conservation Area.
- 7.1.10 Appendix 2 of the DMP LDD outlines that rear dormer windows should appear subordinate to the host roofslope. They should be set back from the eaves, set down from the eaves and set in from the side roof slopes. The Moor Park CA Appraisal further outlines. Rear dormer windows are only allowed where they do not impair the privacy of neighbours. Where acceptable, dormer windows, for good proportions and balance, should appear subservient to the roof, placed well down from the main ridge and should have smaller windows than the main fenestration.
- 7.1.11 The proposed rear dormer windows would be clearly subordinate to the main roofslope and would also be sited centrally between the proposed rear projections such that they would not visually compete with these elements. Additionally the fenestration detailing would be sympathetic to the architectural style of the host dwelling and would also respect the hierarchy of windows to upper floors. As such would comply with both the guidance of Appendix 2 and the Conservation Area Appraisal.
- 7.1.12 It is noted that proposed development would result in the loss of parts of the rear wall of the existing dwelling in addition to the demolition of the existing single storey side projection. However the whole front elevation, front roofslope (including the main ridge) parts of the side/rear roofslope and the south western flank are shown on the plans to be retained. Having regard to the extent of the dwelling which would be retained it is considered that there would not be excessive loss of the existing fabric of the pre 1958 dwelling. To ensure this position is secured, a condition would be attached to any consent to require a Construction and Demolition Statement to be submitted to and approved by the LPA prior to the commencement of works to provide further detail on how the implementation would take place in accordance with the approved plans. In light of the above, whilst significant extensions are proposed to the side and rear, the original fabric of the house is considered to be safeguarded and the extensions would not overwhelm the dwelling to such an extent that they would result in substantial demolition of the existing house.
- 7.1.13 In summary, the existing dwelling is a relatively unaltered pre-1958 building and its form and design are characteristic of the Conservation Area such that the host building is considered to make a positive contribution to the Conservation Area. By virtue of their siting, scale and design the proposed extensions are considered to represent subservient additions which do not detract from the characterful features of the existing dwelling. Therefore the proposed development would preserve the character of the host building. As such, the proposed development would accord with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, NPPF and the Moor Park Conservation Area Appraisal.

7.2 Impact on Amenity of Neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to 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 advises that development should not result in overlooking or a loss of light to neighbours.

- 7.2.2 Appendix 2 of the Development Management Policies LDD states the following with regard to the assessment for two storey extensions; *'two storey development should not intrude into a 45 degree splay line across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. 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.*
- 7.2.3 The proposed two storey rear extension would intrude a 45 degree splay line with the neighbour at No.38 by approximately 2m when taken from the point on the boundary level with the rear elevation of this neighbour. However the proposed extension would be set in a minimum of 1.6m from the boundary, in line with the main flank, would be set down from the main ridge and would be hipped to the rear. Additionally this neighbour is sited at a higher land level. As such whilst there would be an intrusion of the 45 degree line it is not considered that in this case the proposed two storey rear extension would result in an unacceptable impact by virtue of an overbearing impact or loss of light to this neighbour.
- 7.2.4 The proposed two storey rear extension would not intrude a 45 degree splay line with the neighbour at No.34. Whilst this neighbour is sited at a slightly lower land level to the application site the proposed two storey rear extension would be set in 7.6m from the boundary, in line with the existing flank, would be set down from the main ridge and hipped to the rear. As such is it not considered that the proposed two storey rear extension would result in an unacceptable overbearing impact or loss of light to this neighbour.
- 7.2.5 The proposed two storey side extension would not be readily apparent to the neighbour at No.38. The proposal would result in a reduction in proximity of built form adjacent to the neighbour at No.34 however it is noted that the extension would bring the first floor closer to the boundary. Notwithstanding this the proposed two storey side extension would be set in a minimum of 3m from the boundary, would be set down from the main ridge and would be hipped away from the neighbour such that it would not result in any adverse impacts by way of an overbearing impact or loss of light.
- 7.2.6 A first floor flank window is proposed within the side elevation of the main dwelling facing No.38 which would be conditioned to be obscure glazed and top level opening only in order to prevent unacceptable overlooking.
- 7.2.7 Appendix 2 of the DMP LDD outlines that 28m should be achieved between two rear facing elevations and where garden length alone is relied upon for privacy a minimum of 14m should be achieved. Whilst the concerns of the neighbour to the rear are noted the rear garden of the application site itself is in excess of 28m in depth with further separation afforded between the proposed rear dormers, two storey rear extension and the rear elevation of the neighbour's along Pembroke Road. As such it is not considered that unacceptable levels of overlooking would occur. Some additional views would be afforded from the proposed rear dormers towards the neighbouring gardens of No.38 and No.34 however it is not considered that these would be unacceptable when considering those which are currently had from the first floor windows.
- 7.2.8 The proposed basement would be fully subterranean and therefore would not be readily apparent to either neighbour.
- 7.2.9 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling or overlooking and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies.
- 7.3 Amenity Space Provision for Future Occupants

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.
- 7.3.2 Over 980sqm of amenity space would be retained which would provide ample provision to serve the application dwelling
- 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 A Biodiversity Checklist has been submitted with the application and indicates that there would be no impact to any protected species. However, as the development would affect the roof space, an informative shall be added reminding the applicant of what to do should bats be found during the course of the application.
- 7.5 Trees and Landscaping
- 7.5.1 Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 7.5.2 The application site is located within a Conservation Area and as such all trees are protected. The proposed extensions would not be within close proximity to the significant Oak tree sited at the front of the application site. As such it is not considered that the proposal would not result in direct harm to any significant trees in this respect. However it is considered reasonable to require the submission of a tree protection plan to ensure the on-site trees are protected during construction.
- 7.6 Highways, Access and Parking
- 7.6.1 Core Strategy Policy CP10 sets out that development should make adequate provision for car and other vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision.
- 7.6.2 The existing dwelling has 4 bedrooms and parking would be retained to the frontage for 3 cars. As such there would be no impact on the requirement for or provision of parking as a result of the proposal.
- 7.7 Flood Risk
- 7.7.1 Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.

7.7.2 The Officer's original report to committee on 17 November 2022 set out:

It is acknowledged that the Moor Park Conservation Area Appraisal requires that any application including a basement should be submitted with a Flood Risk Assessment which details the effect of the proposals on any existing underground water courses. A FRA was requested during the course of the application however was not provided. However the application site is in Flood Zone 1 with EA mapping providing further clarity that the site is identified as being at low risk from surface water flooding and flooding from rivers. There is no statutory obligation for the submission of a FRA in this case nor is it considered that there is justification for insisting one to be submitted. Therefore planning permission cannot be refused in the absence of an FRA for this development however an advisory informative would be added to any grant of consent.

7.7.3 Notwithstanding this during the November meeting members resolved to defer the application in order for Officers to request a FRA.

7.7.4 Since the November meeting a 'Basement Impact Assessment' (BIA) prepared by Nimbus Engineering was prepared and submitted to Officers. The report concluded that there is no risk of groundwater flooding. The report made these conclusions primarily because the basement was considered to sit above the typical groundwater levels. The report includes a review of historic boreholes within the vicinity of the site, none of which encountered ground water. The report also makes reference to the South West Herts Strategic Flood Risk Assessment, which includes a map showing the site is in an area with a ground water depth of between 0.5m and 5m but is on the edge of the area, and therefore predicted to be just below the 5m depth. At 3 metres deep, the basement is not expected to be at risk from groundwater flooding and would be constructed using watertight techniques. In respect of surface water flooding, the report highlights that the site is not at risk of surface water flooding, and online mapping provided by the Environment Agency demonstrates this, with the closest surface water risk existing along the carriageway of Main Avenue. Officers spoke to a hydrogeologist in relation to the BIA received. The position of the groundwater level was identified by Nimbus through existing data sources. Having held informal discussions with a Hydrogeologist, Officers note that in order to prove categorically that the specific onsite circumstances of the groundwater levels at the application site are consistent with existing data sources then further borehole testing would be required.

7.7.5 It is acknowledged that the report relies upon data from other sites, rather than from boreholes taken on the site. However Officers are of the view that using existing data sources is a proportionate approach to have taken, given the scale of the development. Officers have no other data to conclude that the groundwater levels are other than as identified by existing sources i.e significantly below the proposed basement level. As such on the basis of the information gathered to date there is no evidence that the proposed development would result in any significant adverse impact on groundwater.

8 Recommendation

8.1 That PLANNING PERMISSION BE GRANTED subject to the following conditions:

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 391-101-01, 391-102-01, 391-104-01, 391-201-01, 391-202-01, 391-203-01, 391-204-01, 5678 /PL003 Rev B, 5678 /PL004 Rev C, 5678 /PL002 (Received 04.11)

Reason: For the avoidance of doubt, in the proper interests of planning and to safeguard the visual amenity of the Moor Park Conservation Area; 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 (adopted October 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) whatsoever 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 designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in full 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 as approved 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 ensure that no development takes place until appropriate measures are taken to prevent damage being caused 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 No development or other operation shall commence on site whatsoever until a Construction & Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. This Construction & Demolition Method Statement shall include details of how all existing walls (internally and externally) and roofslopes as shown on drawing numbers 5678 /PL003 Rev B and 5678 /PL004 Rev C to be retained (i.e. hatched in grey (marked as existing)) will be maintained in situ throughout the erection of the extensions hereby permitted with only those walls and roofslopes shown on the abovementioned drawings as proposed for demolition (as shown dashed in orange) to be removed.

The extent of demolition hereby approved shall not be implemented until a contract for the implementation of the works of redevelopment of the site (including submission of the construction drawings) has been made and a copy submitted to and approved in writing by the local planning authority.

Reason: This condition is a pre commencement condition to safeguard the Conservation Area, to ensure that premature demolition does not take place before adequate provision for development works in order that the visual amenities of the area are safeguarded 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).

- C5 Before any building operations above ground level hereby permitted are commenced, samples and details, including photographs and a brick test panel sample, of the

proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

- C6 Before the first occupation of the extensions hereby permitted the window at first floor level in the south eastern flank elevation facing No.38; 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 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 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.

- 12 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.
- 13 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.
- 14 The applicant is advised that paragraph 3.8 of the approved Moor Park Conservation Area Appraisal (2006) specifically seeks to protect underground water courses that may be impacted as a result of the construction (or extension) of basements within the Conservation Area. Consequently the applicant is requested to have careful regard to this matter and especially, in the carrying out of the development, to ensure that:-
- (i) no surface water flooding will occur as a result of the basement construction and
 - (ii) that there will be no material harm to any underground water course(s) in the vicinity of the site as a result of the basement construction.
- 15 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: 0300 060 3900
Herts & Middlesex Bat Group: www.hmbg.org.uk
or an appropriately qualified and experienced ecologist.

(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).

PLANNING COMMITTEE – 25 MAY 2023

PART I - DELEGATED

- 6. 23/0089/FUL - Substantial demolition of existing dwelling and construction of part-single storey, part-two storey side and rear extensions, single storey front and side extensions; relocation of entrance door and rear Juliet balconies and terrace balconies; alterations to roof including increase in ridge height; front rooflight; alterations to the frontage, extension and alterations to rear patio and construction of swimming pool; internal alterations and alterations to fenestration at 5 ROSS WAY, NORTHWOOD, HERTFORDSHIRE, HA6 3HU**

Parish: Batchworth Community Council
Expiry of Statutory Period: 21.03.2023
(Extension of time agreed to 31.05.2023)

Ward: Moor Park & Eastbury
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: Called to Committee by Batchworth Community Council unless Officers are minded to refuse, for the reasons set out at 4.1.1 below.

1 Relevant Planning History

- 1.1 22/1796/FUL - Substantial demolition of existing dwelling and construction of part-single storey, part-two storey side and rear extensions, single storey front and side extension; relocation of entrance door and rear Juliet balconies and terrace balconies; alterations to roof including increase in ridge height and gable extensions; front rooflight; alterations to the frontage including provision of new vehicular cross over and widening of existing access, extension to rear patio and construction of swimming pool; internal alterations and alterations to fenestration - 06.12.2022 - Withdrawn

2 Description of Application Site

- 2.1 The application site is located on Ross Way, Northwood. The application site contains a detached two-storey dwelling which has a dark tiled gabled roof form and exterior finish consisting of cladding, facing brick and a concrete paved chimney feature to the front.
- 2.2 Forward of the dwelling is a paved driveway, large enough to accommodate two car parking spaces, and a soft landscaped front garden. To the rear of the dwelling is an amenity garden of 260sqm in area.
- 2.3 Ross Way is characterised by dwellings of similar design, having been built as part of the same development. Many of the dwellings have been extended and altered since their original construction. The site adjoins a public open space to the rear including sports pitches, tennis courts & children's play area.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the substantial demolition of existing dwelling and construction of part-single storey, part-two storey side and rear extensions, single storey front and side extension; relocation of entrance door and rear juliet balconies and terrace balconies; alterations to roof including increase in ridge height; front rooflight; alterations to the frontage, extension and alterations to rear patio and construction of swimming pool; internal alterations and alterations to fenestration.
- 3.2 It is proposed that the dwelling is partially demolished and extensions built including a principal two-storey side extension and increase in ridge height. The ridge height of the

dwelling would be increased by 0.3m, retaining its gabled form and angle of pitch. The dwelling would be extended by 1.0m to the rear in its principal depth as a result. It is proposed that a two-storey side extension, including an extension to the roof of the dwelling, is built to the southern flank. The extension would have a width of 4.5m, allowing for 1.5m spacing to the flank boundary, a depth of 8.7m and an eaves height of 5.0m and an overall height of 8.1m.

- 3.3 It is proposed that a part single-storey, part two-storey extension is constructed to the rear of the property. This would consist of two principal two-storey extensions which align with the outer flanks of the extended dwelling. These would each have a depth of 2.4m, a width of 6.0m and would have gabled roof forms with an eaves height of 5.0m and an overall height of 8.1m. The extensions would contain bifold doors at ground floor level, full height windows at first floor level with Juliet balcony balustrading and glazing within the eaves serving the proposed loft accommodation.
- 3.4 The 2.5m space between these extensions would be infilled with a single-storey extension which would have a depth of 2.4m and a height of 3.2m. There would be a balcony terrace above the single-storey extension, enclosed by the built form of the two-storey extensions.
- 3.5 A single-storey extension would be built to the front of the property, incorporating a new entrance door. The extension would have a depth of 1.3m, a width of 8.5m and would have a mono-pitched roof form with an eaves height of 2.7m and an overall height of 3.6m.
- 3.6 A single-storey extension would be built to the northern flank of the property. This would have a width of 2.1m and a depth of 10.2m, set back 1.0m from the principal front elevation. The extension would have a mono-pitched roof form with an eaves height of 2.7m and an overall height of 3.6m. The extension would contain a front garage style door and would serve a bin store to the front.
- 3.7 It is proposed that enlarged window openings are inserted within the extended dwelling. Other than the above described fenestration, the dwelling would contain three first floor windows and two ground floor windows within its front elevation. There would be two windows inserted at first floor level within the northern flank elevation of the dwelling. A rooflight would be inserted within the front roofslope of the dwelling.
- 3.8 The plans indicate that the dwelling would be finished in materials to match the existing dwelling including facing brickwork, timber cladding and roof tiles.
- 3.9 A set of steps from the street to the front door would be constructed within the site frontage. These would have a maximum width of 2.4m and a maximum height from the sloped ground of 0.3m. The extent of hardstanding for parking would remain as existing and would accommodate two cars.
- 3.10 It is proposed that the rear patio is extended to a depth of 2.4m from the rear of the extension and would have a maximum height of 0.5m from the ground level. The patio would span the full width of the plot and 1.8m fence screening would be erected on the shared boundary with each neighbour.
- 3.11 The proposal includes the construction of a pool to the rear garden of the dwelling. The pool would be sited towards the end of the rear garden and would have dimensions of 11.0m by 3.0m and would be 2.0m deep from ground level.
- 3.12 Amended plans were received during the application which reduced the scale of the rooflight to the front roofslope and extent of glazing to the proposed rear elevation. A Preliminary Bat Roost Assessment (PRA) was also submitted during the application.

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: Objection

This application follows a similar application in 2022 (22/1796/FUL). At that time Batchworth Community Council (BCC) set out our comments and objections based upon those current drawings and information provided. Whilst the applicants advisors responded to these BCC were not feel satisfied with all of the responses provided and we continue to object to this applications for the following reasons.

As requested previously we would ask that should additional information be forthcoming that it is provided to all parties to be able to review them. Furthermore, we would understand that BCC & others will be granted the right and opportunity to further comment on the back of that additional information, as well as the comments of the Conservation Officer once obtained.

- 1. We previously asked why in the current environment there is the need to knock down a perfectly good quality house that sits well in the immediate location and the damage such action has on the environment by redeveloping a perfectly good property that can be refurbished & extended.*
- 2. This question was responded to with the comment that some of the existing building is to be retained. The reality is that the majority of the building is being demolished as can be seen by the red lines in the drawings and we see this as a largely redeveloped proposal with almost full demolition all but name. 2. We remain of the view that whilst the choice of architecture is personal the design proposed does not fit into the street scene.*
- 3. We note the comments received as to how the applicant is planning to construct the swimming pool and remove waste. We maintain our comment that the site is tight and planned development is significant in terms of the width covered. There will be limited access to remove what will be considerable waste. A waste removal plan as part of the construction plan, should be sought to protect the neighbours.*
- 4. BCC is still of the opinion that the planned development is an overdevelopment of what is quite a small site for Northwood. The construction of the extended property, the front hard standing, and the proposed swimming pool will amount to c. 70% of the whole plot. This is considerably more than is normally acceptable in Eastbury & Northwood and consideration should be given as to how the scale of development and level of hard standing can be reduced.*
- 5. The roof is slightly larger than other immediate properties. In due when a decision is made and any approval given BCC would request that wording is incorporated in the final TRDC decision to ensure that the applicant, architect & contractor ensure that this is implemented correctly.*
- 6. We understand that Building Control will be checking the access to the playroom in the loft and we are of the opinion that this should be checked and approval obtained before any works commence.*
- 7. Again as we previously stated Ross Way is a narrow cul-de-sac and Highways have objected and raised a potential issue with the safe flow of traffic. We would add that whilst no neighbours have formally made comment in this respect it is an issue that has been raised with BCC and is something that we are constantly asked to comment about in similar roads. Therefore, based upon the poor previous experiences encountered with other narrow cul-de-sac, developments of this nature, the resulting heavy intrusion to neighbours with the number of contractor vehicle movements each day and the larger number of vehicles that look for parking in what is already a congested road we are of the opinion this is an important issue. We would therefore again make the unusual request for a single property development of this nature for a Construction Management*

Plan. This should include a commitment to park all construction and contractor vehicles away 3 from the construction site in a location to be agreed with TRDC and not including Eastbury Recreation Ground. The plan also needs to account for the need to keep a clear roadway for emergency vehicles, refuse trucks and such like at all times as well the normal neighbourhood traffic. In addition, careful programmed times for the delivery of materials and the removal of waste needs to be built into such a plan. Whilst we acknowledge that this is a single building project, a Construction Management Plan is essential to ensure that we do not encounter the same significant problems that have happened at other sites or similar narrow roads in the neighbourhood. We would also request that working hours are restricted to Monday to Friday only in this prominent residential area.

8. *We are still of the opinion that the design and use of Juliet windows to the rear will result in the design encroaching onto the privacy of both neighbours gardens. We understand that all first-floor side elevation windows will be obscure, and we would ask that his included in the final decision.*
9. *The nature of the planned development will result in the loss of existing mature trees & shrubbery. A detailed landscape report and plan is still required setting how these will be maintained and protected during construction. This should include the public footpath that sits between #5 & #6. New trees should also be planted in place of any trees that approved for removal.*

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

Please feel free to reach out to the us, if you wish to discuss anything further.

4.1.2 Hertfordshire County Highways: No objection

Recommendation

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) *Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.*

Comments/Analysis

A previous application was made at the site in October 2022, and a refusal was recommended due to the proposed inappropriate vehicular access arrangements which have been omitted from this application.

Description of Proposal

Substantial demolition of existing dwelling and construction of part-single storey, part-two storey side and rear extensions, single storey front and side extension; alterations to fenestration the rear patio, front driveway/garden Site and Surroundings Ross Way is an unclassified local access road subject to a 30mph speed limit which is highway maintainable at public expense. The site is located in the Eastbury area, to the north of Northwood and to the west of South Oxhey.

Parking and Access

The garage which is lost to habitable space measures 4.7m x 5.4m. Research presented within Manual for Streets suggests that up to 50% of garages are used for purposes other than the parking of a private vehicle. The loss of garage therefore may not necessarily represent loss of parking. Ultimately the LPA shall be responsible for assessing the development against local parking standards however, the Highway Authority note there are two parking spaces within the curtilage, shown on drawing number 2065RS_HH1:SH2 Rev 0. There are also not any parking restrictions on Ross Way. Covered and secure cycle parking has not been shown but it is assumed this can be made available within the private garden of the dwelling if required.

The additional habitable space created through conversion and extensions shall not have an appreciable impact in terms of additional trips arising. The application proposes no changes to the existing vehicle crossover at the site which serves the existing driveway. The proposed development does not impact upon the available visibility from the access. There have not been any collisions fronting the access within the last 5 years.

Emergency Vehicle Access

In accordance with Manual for Streets Paragraph 6.7, the entirety of a dwelling must be within 45m from the edge of the highway so an emergency vehicle can gain access. This is the case at this site with all of the dwelling, including proposed extensions, being within this 45m.

Conclusion

HCC as Highway Authority has considered the application and agrees that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application.

4.1.3 Hertfordshire Ecology: No objection

Comments of 29.03.2023

Thank you for consulting Hertfordshire Ecology on the application for which I have the following comments

Summary of advice:

- *Insufficient information on European protected species (bats) to allow determination.*

Comments

Hertfordshire Environmental Records Centre does not have any existing habitat or species data for this site. The site is situated in an area characterised by open green spaces and scattered mature to semi mature trees it is also well connected to nearby areas of extensive woodland. The building contains multiple features which could provide potential bat roosting opportunities.

Given the location of the site apparent characteristics of the building and that the proposal will involve demolition, I believe it is reasonable to advise a daytime Preliminary Roost Assessment (PRA) is undertaken. This should be by an appropriately qualified and experienced ecologist to evaluate whether bats, or evidence of them, are present and will be affected by the proposals.

Such surveys can be undertaken at any time of year but should follow established best practice as described in the Bat Conservation Trust Good Practice Guidelines, 3rd edition, 2016.

As bats are classified as European Protected Species (EPS), sufficient information is required to be submitted to the LPA prior to determination - so it can fully consider the impact of the proposals on bats consistent with legal obligations under the Conservation of Habitats and Species Regulations 2017 (as amended).

Consequently, in the event that bats or potential are found, follow-up nocturnal (dusk emergence / dawn re-entry) surveys are likely to be required which can typically only be carried out when bats are active in the summer months usually between May and August, or September if the weather remains warm.

The results of any follow-up surveys should provide mitigation measure to safeguard bats if they are to be affected by the proposals. The survey report should be submitted to the LPA for written approval.

To conclude Currently there is insufficient information on bats to determine this application. Once the requested survey information has been provided, I can advise the LPA as necessary.

Comments of 26.04.2023

Summary of advice: Sufficient information on European protected species (bats) to allow determination.

Supporting Ecological Reports: Preliminary Roost Assessment by Chase Ecology (report date 13th April 2023)

Comments A Preliminary Roost Assessment was carried out of the two-storey detached dwelling. This found no bats or evidence of bats and assessed the building as having negligible potential as a bat roosts. Consequently, no further surveys are required, and bats do not need to be considered a constraint to this development.

4.1.4 Herts & Middlesex Wildlife Trust: Objection

Comment: Holding objection: Bat survey required before application can be determined. Once the survey has been approved this objection will be removed provided that all required measures are conditioned in the decision.

The design of the building is extremely suitable for bats, it is situated in close proximity to high value feeding and roosting habitat and there are records of bats from the near vicinity. If present the development would destroy bat roosts and breach the legislation that protects them. Therefore there is clearly a reasonable likelihood that bats may be present in this instance.

ODPM circular 06/05 (para 99) is explicit in stating that where there is a reasonable likelihood of the presence of protected species it is essential that the extent that they are affected by the development is established before planning permission is granted, otherwise all material considerations cannot have been addressed in making the decision.

LPAs have a duty to consider the application of the Conservation of Habitats and Species Regulations 2017 (as amended) in the application of all their functions. If the LPA has not asked for survey where there was a reasonable likelihood of EPS it has not acted lawfully.

Policy DM6 of the Three Rivers Local Development Document seeks to ensure that development does not have a negative impact on protected species.

Where there is a reasonable likelihood that protected species are affected by development proposals, surveys must be conducted before a decision can be reached (as stated in ODPM circular 06/05). It is not acceptable to condition ecological survey in almost all circumstances. In this instance a bat survey of the building will be required before a decision can be reached.

If the survey identifies bats or their roosts, any actions required to enable development to take place without breaching the legislation should be implemented through the planning decision.

4.1.5 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 5

4.2.2 Site Notice posted: 10.02.2023, expiry date: 03.03.2023

4.2.3 Press notice posted not required.

4.2.4 Responses received: 0

5 Reason for Delay

5.1 Engagement with applicant to amend drawings.

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

6.1.3 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.

6.2 Policy & Guidance

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).

The Three Rivers Local Development Plan

6.2.3 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.

6.2.4 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.

6.2.5 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, DM6, DM8, DM13 and Appendices 2 and 5.

6.3 Other

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

7 Planning Analysis

7.1 Principle of Development

7.1.1 The application dwelling is not situated within a Conservation Area and is not a Listed or Locally Listed Building. As such, there are no overriding policy requirements to retain the existing dwelling and, while the development only consists of partial demolition, there is no policy objection to the development.

7.2 Impact on Character and Appearance

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.

7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the

visual amenities of the area. The Design Criteria at Appendix 2 states that the first-floor element of development should be set in by a minimum of 1.2 metres to prevent a terracing effect within the street scene. Increases to ridge height will be assessed on their own merits at the time of a planning application. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council.

- 7.2.3 The proposed increase in ridge height, as shown on the indicative street scene, would result in the dwelling having a higher ridge than no.6 and the same ridge height to no.4. The dwellings on this part of Ross Way are positioned on the same land level. Given the spacious arrangement of the dwellings it is considered that the proposed height increase would be acceptable. Given the relatively minimal 0.3m height increase and spacing, it is not considered to be harmful.
- 7.2.4 It is considered that the proposed two-storey side extension, including an extension to the main roof form of the dwelling, would be acceptable in terms of its impact upon the character and appearance of the dwelling. The extension would replicate the form of the dwelling including principal depth, eaves height and roof profile. The extension would also maintain a flank spacing of 1.5m which would exceed the Design Criteria policy for flank spacing.
- 7.2.5 The proposed rear extensions would have a depth of some 3.4m from the existing principal rear wall of the dwelling which would comply with the Design Criteria policy for rear extensions to detached dwellings. The two-storey extensions would be obliquely visible from the street scene and from longer distance public vantage points to the rear. In terms of their scale it is considered that they would not result in harm to the character and appearance of the dwelling. It is acknowledged that the extensions include a relatively significant amount of glazing however it is not considered that this would result in harm to the character and appearance of the dwelling or area. The proposed glazing to the front, which would be more visible from public vantage points, would be more reflective of the street scene.
- 7.2.6 It is considered that the proposed single-storey front and side extensions reflect the character of the host dwelling and would not result in harm given their scale.
- 7.2.7 The proposed new window openings to the front and side are considered to be proportionate in quantity and scale to the host dwelling and would not harm its character or that of the street scene.
- 7.2.8 It is considered that the proposed front rooflight, which would sit within the front roofslope of the dwelling would be acceptable in terms of its character impact and would not appear prominent within the street scene.
- 7.2.9 Collectively, while the proposed extensions are large in scale and result in some demolition of the existing dwelling to construct, the dwelling as a result of the proposed extensions would retain its original character and its existing form would still remain legible. The proposed development is proposed to be finished in materials to match the dwelling. Given the extent of demolition, it is considered appropriate to require a condition requiring samples of external finish materials to ensure that the external finish is satisfactory following the parts of the dwelling to be more substantially rebuilt.
- 7.2.10 The proposed pool would be located at the existing ground level and would not be visible from the street or area. Given its scale and positioning, it would not result in harm to the dwelling, site or wider area.
- 7.2.11 It is not considered that the proposed frontage alterations, including new steps, or the rear patio would harm the character and appearance of the dwelling or area.
- 7.2.12 In summary, it is not considered that the proposal would result in harm to the character and appearance of the dwelling or street scene and would therefore be acceptable in

accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

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 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. Two-storey development should not intrude the 45-degree splay line measured from a point on the shared boundary level with the rear wall of the dwelling.
- 7.3.2 The proposed two-storey side extension, and associated ridge height increase, would bring the built form of the application dwelling closer to the boundary with no.4. It is not considered that this element of the proposed development would result in harm to this neighbour in terms of a loss of light or overbearing impact to the front and rear outlook of this neighbouring property. The side extension would be set off the boundary 1.5m with this neighbour.
- 7.3.3 The proposed block plan indicates that the proposed development would result in an intrusion of some 1.8m of the 45-degree splay line from a point taken on the shared boundary with the adjoining neighbour at no.4. While this is factored into consideration, it is noted that this neighbour is spaced a significant distance, some 5.0m from the shared boundary. Appendix 2 states that the 45 degree principle is also dependent upon spacing and orientation of dwellings which can be given weight. As such it is not considered that the rear extensions would result in harm to this neighbour in terms of a loss of light or overbearing impact. This neighbour would also retain a wide rear outlook.
- 7.3.4 The proposed block plan indicates that the proposed development would adhere to the 45-degree splay line and would not intrude at first floor level from a point taken on the shared boundary with the adjoining neighbour at no.6. It is not therefore considered that the rear extensions would result in harm to this neighbour in terms of a loss of light or overbearing impact.
- 7.3.5 The proposed replacement dwelling would contain ground and first floor level glazing within its front and flank elevations and within the rear elevation there would be glazing up to loft level. The dwelling would contain rooflights and a glazed rear dormer window.
- 7.3.6 It is considered that the proposed windows would not provide a materially different front, rear or flank outlook to that which is achievable currently. The rear Juliet balconies at first floor level do not have a platform to walk out onto. The central balcony portion would be screened by the rear projecting elements to prevent direct views to neighbouring rear amenity gardens. It is acknowledged that the introduction of loft level rear glazing would provide an elevated rear outlook however it is not considered that this would be detrimentally harmful to neighbours either side. The dwelling does not have any adjoining neighbours to the rear. It is therefore not considered that the proposed development would give rise to harmful overlooking.
- 7.3.7 It is considered appropriate for the proposed flank windows and rooflights to be conditioned to be obscure glazed and top level opening only to prevent overlooking and a condition will be included on any permission granted stating this.
- 7.3.8 It is not considered that the proposed rear patio would result in overlooking to any adjoining neighbour given its height and profile from the current ground level. The patio also incorporates 1.8m high screening adjacent to no.4 which is not considered to result in a loss of light or overbearing impact. Given the separation gap between the application dwelling

and no.6, it is not considered to require screening. A condition will be included on any permission granted for the screen adjacent to No. 4 to be erected and permanently maintained.

- 7.3.9 It is not considered that any direct neighbour impact would occur as a result of the construction of the proposed steps to the frontage nor the proposed pool to the rear amenity garden.
- 7.3.10 The proposed development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.4 Highways & Parking

- 7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.4.2 The application dwelling, as existing, contains four bedrooms and provides two off-street car parking spaces. There is therefore an existing shortfall of one parking space relative to the adopted car parking standards. The application dwelling as a result of the proposed development would still contain four bedrooms, representing no change to the existing car parking situation. It is further noted that there is on-street parking available on Ross Way. It is not considered that it would be justifiable to refuse planning permission on the parking shortfall of one space which is an existing situation. It is noted that the site frontage could be extended in future, whilst still retaining soft landscaping, should it be required.
- 7.4.3 It is acknowledged that the proposed construction of a pool would involve the excavation and transportation of large amounts of spoil from the site. It is considered appropriate to include a condition on any permission granted for a construction management plan for this aspect of the development.
- 7.4.4 The proposed development is therefore acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

7.5 Trees & Landscape

- 7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.
- 7.5.2 The application site does not contain any protected trees. The proposed development would not require the removal of any trees.
- 7.5.3 In summary, the proposed development is acceptable in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013).

7.6 Rear Garden Amenity Space

- 7.6.1 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.

7.6.2 The dwelling would retain a garden of approximately 200sqm in area which is considered to be acceptable.

7.7 Flood Risk & Drainage

7.7.1 Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.

7.7.2 The application site is in Flood Zone 1 with EA mapping providing further clarity that the site is identified as being at low risk from surface water flooding and flooding from rivers. There is no statutory obligation for the submission of an FRA in this case. It is not considered that the proposed development would exacerbate the risk of flooding and there would be no grounds to refuse planning permission on this basis.

7.8 Biodiversity

7.8.1 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.

7.8.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.8.3 An objection was lodged by Herts & Middlesex Wildlife Trust regarding the biodiversity impacts of the proposed development. Hertfordshire Ecology confirmed, given the nature of the development including the removal of the roof, that a bat survey is required prior to the determination of any application. A Preliminary Bat Roost Assessment was submitted during the application which confirmed that the site had negligible potential for supporting bats. Hertfordshire Ecology were consulted on the submitted details and confirmed that they were sufficient to enable the application to be determined.

8 **Recommendation**

That PLANNING PERMISSION BE GRANTED subject to the following conditions:

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 2065RS_HH1 SH1 A, 2065RS_HH1 SH2 B, 2065RS_HH1 SH3 B

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6, DM8, DM13 and

Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- C3 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials of the dwelling shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

Reason: 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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the first occupation of the dwelling hereby permitted the first floor flank windows within the southern and northern flank elevations shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the rooms 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).

- C5 Prior to the first use of the raised patio hereby permitted, the solid privacy screen fence shall be erected along the boundary with no.4 Ross Way, as shown on drawing number 2065RS_HH1 SH3 B. Once erected, the solid privacy screen fence shall be permanently retained therefore in terms of its design and height.

Reason: To safeguard the amenities of the occupiers of No.58 Nightingale Road 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 Works to construct the swimming pool, hereby permitted, shall not begin until full details of construction vehicle access, movements, collection hours, on-site parking arrangements for construction workers and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details shall be submitted in the form of a Construction Management Plan and the approved details shall be implemented throughout the construction programme.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 12 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.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

PLANNING COMMITTEE – 25 MAY 2023

7. 23/0099/LBC - Listed Building Consent: Installation of internal lift at THE OLD VICARAGE, 10 CHURCH STREET, RICKMANSWORTH, HERTFORDSHIRE, WD3 1BS (DCES)

Parish: Batchworth Community Council Ward: Rickmansworth Town
Expiry of Statutory Period: 29.05.2023 (agreed extension) Case Officer: Lauren Edwards

Recommendation: That Listed Building Consent be Refused.

Reason for consideration by the Committee: A District Councillor lives within the consultation area.

UPDATE

This application was brought to committee on 30 March 2023. Members of the committee resolved to defer the application in order for Officers to investigate alternative options for the siting of the proposed lift within the 20th Century part of the building.

The applicant has advised that a stair lift providing access up the stairs in the older part of the building would not be viable owing to the lath and plaster walls.

The second option would be to have a stair lift in the 20th Century part of the building. The Conservation Officer has advised that they would have no in principle objection to a vertical lift within this extended part of the building. However the applicant has advised that they do not wish for a lift to be in this part of the building as they would then need to still traverse internal first floor level steps to their bedroom and shower room. As such the application remains as originally submitted and therefore the analysis section below and recommendation remain unchanged.

A verbal Officer update was provided at the March meeting to advise that comments had been received following the publication of the report from the National Amenity Society. These are now contained at section 4.1.

1 Relevant Planning History

- 1.1 12/0910/LBC - Listed Building Consent: Change of use of existing offices in The Old Vicarage and Coach House into three residential units. First floor extension over single storey office area. Demolition of single storey outbuilding attached to Coach House and replacement with two storey extension. Internal and external alterations. Minor internal and external alterations to existing residence. Withdrawn.
- 1.2 12/0906/FUL - Change of use of existing offices in The Old Vicarage and Coach House into three residential units. First floor extension over single store office area. Demolition of single storey outbuilding attached to coach house and replacement with two storey extension. Internal and external alterations. Minor internal and external alterations to existing residence. Withdrawn.
- 1.3 12/1370/LBC - Listed Building Consent: Change of use of existing offices in The Old Vicarage and Coach House into three residential units. First floor extension over single storey office area. Demolition of single storey outbuilding attached to Coach House and replacement with two storey extension. Internal and external alterations. Minor internal and external alterations to existing residence. Withdrawn.
- 1.4 12/1841/FUL: Change of use of existing offices in The Old Vicarage and Coach House into three residential units, first floor extension, first floor extension over single storey office area,

demolition of single storey outbuilding attached to Coach House and replacement with two storey extension. Internal and external alterations. Minor internal and external alterations to existing residence. Application permitted. Permission implemented.

- 1.5 12/1842/LBC: Listed Building Consent: Change of use of existing offices in The Old Vicarage and Coach House into three residential units. Add first floor extension over existing single storey office. Demolish existing brick store attached to Coach House. Construction of new extension on two floors to Coach House, in similar style to existing. Alterations externally and internally to existing offices and minor alterations to existing residence. Application permitted. Permission implemented.
- 1.6 15/2406/LBC: Listed Building Consent: Internal alterations to coach house to create gallery over the living room, omit second staircase and re-site bathroom; extension to rear dormer; and alterations to fenestration. Application permitted.
- 1.7 15/2580/RSP: Retrospective: Internal alterations to coach house to create gallery over the living room, omit second staircase and re-site bathroom; extension to rear dormer; and alterations to fenestration. Application permitted.
- 1.8 16/1304/FUL - Part Retrospective: Alterations to facade of The Courtyard House and The Stream House including alterations to fenestration; construction of two dormers to front of The Courtyard House; alterations to boundary treatment and access. The movement of the main gates and the modification of the entrance from Church Street – Application permitted and implemented.
- 1.9 16/1306/LBC – Listed Building Consent: Alterations to façade of The Courtyard House and The Stream House including alterations to fenestration; construction of two dormers to front of The Courtyard House; alterations to boundary treatment and access – Application permitted and implemented.

2 Description of Application Site

- 2.1 The application site relates to the Old Vicarage which is a two storey dwelling forming part of a wider collection of buildings at 10 Church Street in Rickmansworth. The application site has an extensive planning history and currently consist of four separate residential dwellings; The Old Vicarage (subject of this application), The Courtyard House, The Coach House and The Stream House, all of which are accessed via Church Street, located within the Rickmansworth Town Centre Conservation. The Conservation Area is mixed in character consisting of varying commercial and residential buildings of varied architectural style. Located to both sides of the site are commercial uses.
- 2.2 The application dwelling is the original dwelling on site and is a Grade II Listed Building The application site is the southern most dwelling within the courtyard of properties. The Steam House and The Courtyard house sit in the northern part of the building. To the south of the site is 12 Church Street which is a two storey building accommodating residential flats.

3 Description of Proposed Development

- 3.1 This application seeks Listed Building Consent for the installation of an internal lift.
- 3.2 The lift would be installed adjacent to the bottom of the staircase and would be facilitated by cutting the existing ceiling such that the lift is able to go up onto the existing first floor landing adjacent to the master bedroom. The lift footprint would measure 1m x 0.8m.
- 3.3 An existing partition has also already been removed at ground floor, opposite the stairs

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council:

Batchworth Community Council have no objections or comments in respect of this application.

This is subject to suitable wording being included within the decision whereby we seek to ensure that all aspects of the property are being retained and are carefully monitored. All parties (applicant, architect, contractors etc.) are aware of their responsibilities are pre-warned not to go beyond approved plans. We would kindly request that wording to this effect should be included in TRDC's decision.

If feasible we would like TRDC Officers to consider a reinstatement clause or personal consent and seek for the removal of the lift as this Listed Building when vacated by the existing owners.

4.1.2 Conservation Officer: [Objection]

This application is for the installation of internal lift. The property is Grade II listed (list entry: 1173498). The property has fifteenth century origins with eighteenth, nineteenth and twentieth century alterations. I understand the need and requirements for an internal lift.

However, the proposal would result in the loss of historic fabric, which appears to be eighteenth or nineteenth century in derivation and is therefore harmful to the significance of the listed building. There are other, more appropriate locations for an internal lift that would not result in the loss of historic fabric. For example, within the late twentieth century extension; this fabric is of limited significance and its loss would not detract from the architectural interest and significance of the listed building.

The proposals would fail to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is considered to be 'less than substantial' as per paragraph 202.

4.1.3 Herts Archaeology: No response received.

4.1.4 National Grid: No response received.

4.1.5 Landscape Officer: No response received.

4.1.6 National Amenity Society:

Thank you for notifying the SPAB of this application for listed building consent. We apologise for the delay in replying. While we sympathise with the applicant's desire to make the first floor of the building more accessible, I am afraid that the application does not provide sufficient information as to the age and significance of the fabric that would be lost by the opening up of the first floor to accommodate the proposed lift. From what we can gather, some parts of the property are of more recent date than the medieval building, and we would wish to understand in what phase of the building the lift will be located in order to gauge whether the proposals would be acceptable.

We would suggest that the applicant is asked to supply this information and would be pleased to comment further at that point.

4.1.7 Environment Agency: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 31

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired 28.02.2023 Press notice: Expired 03.03.2023

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

6.1 S16(2) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 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”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. 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.

6.3 The Three Rivers Local Development Plan

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.

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 and CP12.

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 Policy DM3 is relevant.

6.4 Other

The Rickmansworth Town Centre Conservation Area Appraisal and Character Assessment (1993).

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

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

7 Planning Analysis

7.1 Impact on Heritage Assets

- 7.1.1 The NPPF gives great weight to the conservation of heritage assets and requires 'clear and convincing justification for any harm to or loss of significance of a heritage asset. Policy DM3 requires development to preserve or enhance the character and appearance of the Conservation Area.
- 7.1.2 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote development 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.
- 7.1.3 Policy DM3 of the Development Management Policies LDD (adopted July 2013) sets out that the Council will preserve the District's Listed Buildings and will only support applications where the extension or alteration would not affect a Listed Building's character as a building of special architectural or historic interest or its wider setting.
- 7.1.4 The original listing describes the following:

House, now part offices. C15 cross wing, hall rebuilt in early C18, with C18, early to mid C19 and later extensions. Timber framed wing, rendered. Extended in brick, whitewashed. Tile and slate roofs. Cross wing only survives so original plan obscure. 2 storeys and attics. Entrance front: gable to right over cross wing. Ground floor: plank and muntin door with arched head on left with C19 rectangular bay to right with brick and ashlar base incorporating C15 trefoiled, intersecting blind arcade, 10 light timber mullion and transom casement with moulded surround. Jettied first floor with moulded bressumer. First floor 10 light oriel on brackets. 2 light Gothick window to left, leaded panes. 2 light window in gable, exposed purlins and plates. To left of cross wing is renewed hall range with a taller ridge. Roof swept down over 2 bays of 1 storey continuous outshut. Dentilled eaves and stack to front. A small gabled projection from left return of cross wing over hall. Left end to road has large gable with horizontal sliding sashes. 2 storey C19 block and 1 storey C20 addition.

To right of cross wing and projecting forward is 2 storey early to mid C19 block. Re-entrant angle has 2 light Gothick windows, leaded panes. Ground floor segmental headed window with hood mould. To front ground floor cast-iron verandah with slim colonnettes and arched braces. Stack to front. Right return or garden front. 3 bays. Ground floor French windows and continuous verandah. First floor sash to left and two 2 light casements, all openings have moulded architraves. Boxed eaves. 2 separate hipped roofs. Main stack is on right side of C15 wing where it joins C19 addition. To rear: 1 bay with verandah on C19 block. C15 wing projects forward with ground floor Gothick windows in a canted bay. First floor 2 light casement and Gothick attic light. An C18 2 storey block projects to rear to right of C15 wing. Ground floor French windows. First floor 2 light casement and horizontal sliding sash. Hipped roof. Interior: hollow chamfered ground floor binding beam, arch braced clasped purlin roof, curved windbraces. (RCHM Typescript: VCH 1908: Pevsner 2.3 The Old Vicarage, The Courtyard House and The Coach House are located within a courtyard style format and are accessed via the same pedestrian and vehicular access from Church Street. The Stream House, is accessed via its own pedestrian access to the south of the main courtyard. The boundary treatment with Church Street consists of a brick wall of approximately 2m in height. There is a gated pedestrian and vehicular access serving the main courtyard and currently a low level pedestrian gate serving The Stream House.

- 7.1.5 The proposal includes the installation of an internal lift. In order to facilitate this the existing ceiling will need to be cut between the ground and first floor to provide access between the ground floor hallway and first floor landing. The section of ceiling and associated timber which are to be removed are C18 or C19. The loss of such historic fabric would be harmful to the significance of the Listed Building.
- 7.1.6 A site visit was made by the Case Officer and Conservation Officer who observed the area in question including the timbers and ceiling upon temporary removal of a floor board to allow better visual access. From the findings on site together with the desk based assessment, the Conservation Officer has raised an in principle objection to the loss of the identified historic fabric of the Listed Building.
- 7.1.7 Loss of historic fabric would fail to preserve or enhance the significance of the Listed Building contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The resultant loss of historic fabric would result in less than substantial harm within the context of Paragraph 202 of the NPPF. Therefore there is an in principle objection to the loss of historic fabric needed to facilitate the installation and use of the internal lift.
- 7.1.8 In summary the proposal would lead to the removal of historic fabric which would harm the significance of the Listed Building contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would lead to less than substantial harm within the context of Paragraph 202 of the NPPF.

7.2 Are there any other material considerations?

- 7.2.1 Officers note that the lift is proposed to assist the current occupier in their access to the upper floors of the building and sympathise with the needs of the individual. However where it is concluded that a proposal has less than substantial harm to a heritage asset the NPPF at paragraph 202 is clear that this harm should be weighed against the public benefits of the proposal. Whilst the lift would be for the benefit of the current occupier it would not, unfortunately, amount to a public benefit.
- 7.2.2 Nevertheless the current and future needs of the applicant arising from their mobility issues are acknowledged in the overall planning balance and are afforded weight by Officers. However unfortunately the weight attributed to the private benefits of the applicant would not outweigh the identified harm to the historic fabric of the Listed Building.
- 7.2.3 It is also acknowledged that the applicant advises that once the lift is no longer needed it could be removed. However once the historic fabric has been lost it cannot be replaced and therefore the development is not fully reversible. Batchworth Community Council also suggest a personal consent or reinstatement condition. However it is not considered that this would address the fundamental issue as the historic fabric would need to be removed in any event and would not be able to be replaced as currently in situ. As such Officers are of the view that a condition would not address the concerns.

8 Recommendation

8.1 That LISTED BUILDING CONSENT BE REFUSED for the following reason:

R1 The installation of the internal lift would lead to the removal of historic fabric which would harm the significance of the Listed Building contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would lead to less than substantial harm within the context of Paragraph 202 of the NPPF. Whilst the benefits of the lift are acknowledged, it is not considered that the benefits outweigh the harm to the heritage asset. Additionally, no public benefits have been demonstrated to outweigh the identified harm. The development would be contrary to Policy CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

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PLANNING COMMITTEE – 25 MAY 2023

PART I - DELEGATED

8. 23/0387/FUL - Change of use of woodland land into residential garden with timber fencing for the three properties (15, 17 & 19 Woodland Chase) at LAND ADJACENT TO 15, 17 AND 19 WOODLAND CHASE, CROXLEY GREEN, RICKMANSWORTH, HERTFORDSHIRE, WD3 3FN

Parish: Croxley Green Parish Council Ward: Dickinsons
Expiry of Statutory Period: 10.05.2023 Case Officer: Tom Norris
(Extension of time agree to 31.05.2023)

Recommendation: That Planning Permission be REFUSED.

Reason for consideration by the Committee: Called to Committee with the support of three Members irrespective of Officer recommendation. The reason for the call-in related to the incursion into the woodland and the change of character by incorporating into private garden curtilage.

1 Relevant Planning History

- 1.1 09/0701/FUL - Demolition of existing buildings and erection of 44 dwellings and 7 flats, alterations to existing vehicular access, associated open space landscaping and car parking - 17.08.2009 – Permitted & Implemented

2 Description of Application Site

- 2.1 The application site consists of a section of woodland which adjoins the housing development known as Woodland Chase. The site measures some 30.0m in width and 10.0m in depth and spans the width of three rear amenity gardens of no.15, no.17 and no.19 Woodland Chase. The site follows the irregular shape of the rear boundary of no.19.
- 2.2 The application site is currently separated from the existing rear amenity gardens to these dwellings by close boarded fencing. The character of the site is woodland.
- 2.3 The application site and surrounding woodland is covered by a woodland Tree Preservation Order (Long Valley Wood – TPO 685) therefore all tree species named on the order are protected, including any which grow up in the future.
- 2.4 In terms of policy designations, the application site is within the Metropolitan Green Belt including the existing housing estate and entire surrounding woodland. It is also directly adjacent to a Local Wildlife Site designation and an Open Space designation (OS(h) known as Long Valley Wood and Buddleia Walk which covers the majority of the surrounding woodland and appears to follow the historic boundary of the previous use prior to the residential development of the site.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the change of the use of the land edged in red on the Location Plan to residential gardens. The land would be subdivided to follow the line of the existing flank boundaries of the gardens serving the three dwellings. The application form states that 1.8m high fencing would be erected to the proposed new site boundaries. The trees within the section of land would be retained within the amenity gardens of the dwellings.

4 Consultation

4.1 Statutory Consultation

4.1.1 Croxley Green Parish Council:

Croxley Green Parish Council, as the landowner, does not feel it is appropriate to comment on the merits of the application at this stage. We note that there is a blanket TPO for the whole woodland.

4.1.2 Landscape Officer: [No response received]

4.1.3 Hertfordshire Ecology: [No response received]

4.1.4 Environmental Protection: [Information required]

Our records indicate that nos. 15, 17, 19, 31, 33 and 35 Woodland Chase were built on a site that has had a previous potentially contaminative use. The site is recorded as having had the following uses:

Mining & quarrying general;

Unknown filled ground (pit, quarry etc.).

Online historical mapping indicates that the area was subject to gravel extraction, a pit or quarry is depicted in close proximity to where the properties were built on the map published in 1868, an Old Gravel Pit is shown on the map published in 1898, Gravel Pits are shown throughout Croxleyhall Wood on the map published in 1914, a large building and two smaller buildings are shown in approximately the location where the properties were built on the map published in 1947, the buildings are labelled Works on the map published in 1962.

Following gravel extraction, it is possible that the resulting voids could have been infilled with waste materials. There is an area of historic landfill to the south of the site (the landfill received inert wastes from the early 1950s).

The planning records on the TRDC website show that the works identified above were operated by the Imperial Machine Company, Harvey Road, Croxley Green (IMC was a manufacturer of food processing equipment). The Harvey Road site was redeveloped under planning permission reference 09/0701/FUL (Demolition of existing buildings and erection of 44 dwellings and 7 flats, alterations to existing vehicular access, associated open space landscaping and car parking).

Condition 18 relates to requirements for the investigation and remediation of the site. This is likely to have been recommended by Environmental Health. There are some other conditions that relate to contamination; however, these look like conditions that the Environment Agency would have recommended. A number of reports were submitted in support of the application. I have not had the opportunity to read through the reports. I do not know whether the above mentioned conditions were discharged.

However, the intrusive investigation and any subsequent remediation works would have been carried out within the boundary of the development site. The area outside the development site (that was subject to gravel extraction), will not have been investigated and will not have been subject of the remediation scheme.

I would suggest that an assessment of the potential risks associated with the proposed development site(s) be required.

4.1.5 National Grid: [No response received]

4.2 Public/Neighbour Consultation

- 4.2.1 Neighbours consulted: 4
- 4.2.2 Site Notice posted: 25.03.2023, expiry date: 17.04.2023
- 4.2.3 Press notice not required.
- 4.2.4 Responses received: 0

5 Reason for Delay

- 5.1 No delay. Extension of time agreed.

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

6.2 Policy & Guidance

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).

The Three Rivers Local Development Plan

- 6.2.3 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.
- 6.2.4 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, CP11 and CP12.
- 6.2.5 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 DM2, DM6, DM7 and DM9.

6.2.6 The Croxley Green Neighbourhood Plan was approved at a residential referendum on 6 December 2018 and now forms part of the Development Plan for Three Rivers District. Relevant policies include Policy CA1.

6.3 Other

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

7 **Planning Analysis**

7.1 Impact on the Metropolitan Green Belt

7.1.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.

7.1.2 Paragraph 138 of the NPPF identifies the five purposes of including land in Green Belts as:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

7.1.3 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.1.4 Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.1.5 Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) **material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds);** and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.1.6 Policy CP11 of the Core Strategy relates to Green Belts and is largely reflective of National Policy. It is however silent on change of uses.

7.1.7 Policy DM2 of the Development Management Policies LDD provides further guidance on development within the Green Belt. In respect of extensions to residential curtilages, this policy states that the Council will safeguard the countryside from encroachment, therefore

proposals which include the extension of the curtilage of a residential property within the Green Belt which involves an incursion into the countryside will not be supported. It is acknowledged that this policy does not directly reflect the NPPF, which makes provision for material changes of use provided that they preserve openness and do not conflict with the purposes of including land within the Green Belt. Policy DM2 therefore can only be given some weight and the proposal is assessed against this policy and the NPPF in the below analysis.

- 7.1.8 The proposed development would constitute a material change of use of part of the existing woodland to residential amenity gardens. It is considered that the proposed change of use would represent an incursion into the countryside, failing to safeguard the countryside from encroachment, which would directly contravene the provisions of Policy DM2, set out above.
- 7.1.9 Having regard to the NPPF, the proposed development would directly conflict with one of the five purposes of including land within the Green Belt, which would be safeguarding the countryside from encroachment. As such, the proposed development would constitute an inappropriate form of development which, by definition, is harmful to the Metropolitan Green Belt.
- 7.1.10 The section of woodland proposed to be incorporated into residential amenity garden forms part of a wider section of woodland known as the Long Valley Wood which provides a relatively thick buffer between the Woodland Chase estate and surrounding roads such as Frankland Road and Harvey Road.
- 7.1.11 The existing land is not enclosed at present and is spatially open and appears visually open. Areas of woodland and scrub land are common features of the Green Belts and form part of the open countryside, contributing significantly to the character of these rural areas.
- 7.1.12 The change of use to residential amenity garden would result in the spread of urbanising development. It is reasonably expected that the new use of the land as amenity garden would give rise to domestic paraphernalia associated with such a use including seating, play equipment and lighting. It is considered that this would be harmful to the openness and rural character of the Green Belt.
- 7.1.13 In addition, the use of this area as amenity garden would give rise to greater maintenance and manicured nature of the land, including the reduction of the existing undergrowth, which would materially alter the character of the land to the detriment of the Green Belt. The proposed residential use would also inevitably give rise to a greater degree of additional noise and disturbance which would also harm the Green Belt.
- 7.1.14 The proposed boundary treatment would be sited some 10m deeper into the existing woodland relative to its current location. It is acknowledged that the existing boundary treatment provides a solid buffer between residential land and the woodland. The extended fence line would still create an additional sense of enclosure which would be indicative of a more intense domestic use.
- 7.1.15 It is acknowledged that the proposed development would consume a small portion of the woodland and would not eradicate it in its entirety. It is also noted that the fence line would align with the properties to the south-west. It is not considered that this would provide justification for the proposal to be acceptable.
- 7.1.16 In summary, the proposed development would fail to comply with the provisions of Policy DM2 of the Development Management Policies DPD. The development would result in an urbanising encroachment into the countryside, detracting from the open character of the Metropolitan Green Belt. The proposed development would directly conflict with one of the key purposes of the inclusion of land within the Green Belt, set out at paragraph 138 of the NPPF, including assisting in safeguarding the countryside from encroachment.

- 7.1.17 The NPPF is clear at paragraph 147 that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 148 sets out that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.
- 7.1.18 The following sections of this report will assess whether there would be any other harm or very special circumstances associated with the development along with its inappropriateness and impact on openness of the Green Belt.
- 7.2 Impact on Character & Appearance
- 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.
- 7.2.2 Policy CA1 of the Croxley Green Neighbourhood Plan states that new development should seek to conserve and, wherever possible, enhance the key elements of the character and appearance of the Character Areas described in Appendix B through careful design and massing of new buildings and the protection and enhancement of private gardens and open space without inhibiting innovative design.
- 7.2.3 The Croxley Green Neighbourhood Plan sets out a number of “High Level Aspirations” which includes “to protect and maintain the open spaces and woodland within the parish boundary.”
- 7.2.4 The proposed development would constitute a material change of use of the existing woodland to residential amenity gardens. As set out in the above Green Belt section of this report, there is deemed to be spatial and visual harm in this regard from the proposed development. It is considered that the commentary set out above would apply to considerations relating to the character and appearance of the area.
- 7.2.5 It is considered that the proposed development would materially alter the existing character of the land. The existing open and natural appearance of the land forming the application site would be lost to a more intense and maintained use in the form of residential garden. In addition, the wider extent of woodland would be visibly eroded as a result of being incorporated into residential gardens.
- 7.2.6 The new fencing, enclosing the new site boundary, would also fundamentally alter the existing character of the woodland. The fencing would protrude a significantly greater depth into the woodland relative to the existing situation. This element of the proposed development would be highly visible from within the woodland to the rear from both short and long-distance views. It is considered therefore that there is identifiable harm to the character of the area as a result of the proposed development.
- 7.2.7 In summary, the proposed development, including the proposed change of use and associated fencing, would harmfully alter the existing character of the woodland which would be detrimental to the visual amenities of the character of the area. This would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011).
- 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’.

- 7.3.2 Given the nature of the proposed development, it is not considered that the proposal would have an adverse impact on the amenity of any neighbour in terms of a loss of light, overbearing impact or overlooking.
- 7.3.3 The proposed development would therefore be acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).
- 7.4 Trees & Landscape
- 7.4.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.'
- 7.4.2 Policy DM6 of the Development Management Policies LDD states the following in respect of trees, woodlands and landscaping:
- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the criteria of the Hedgerow Regulations 1997.
 - iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.
 - iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
 - v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.
- 7.4.3 Policy DM7 of the Development Management Policies LDD relates to landscape character states that, in all landscape regions, the Council will require proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission.
- 7.4.4 The application site consists of land which is currently woodland and forms part of Long Valley Wood. The woodland is covered by a woodland Tree Preservation Order. The Landscape Officer confirmed that all tree and shrub species named on order are protected, including any which grow up in the future. The woodland forms a buffer around the housing estate which includes Woodland Chase and the Grand Union Canal to the south-east. The woodland also plays an important role in providing a verdant backdrop to the estate.
- 7.4.5 There are some large, mature trees within the woodland which would be incorporated into the rear amenity gardens of the dwellings as a result of the proposed development
- 7.4.6 The Landscape Officer verbally confirmed that it would be expected that tree report would be submitted with an application of this nature. Notwithstanding it would unlikely have in principle support even if such information were submitted.
- 7.4.7 It is considered that the fragmentation of the existing woodland would have a significant adverse impact on its integrity and importance as a landscape feature and buffer. The introduction of fencing would be intrusive, giving rise to the feeling of containment, rather

than the more open, undisturbed landscape envisaged for the woodland when the boundaries were established.

- 7.4.8 It is likely that each garden owner would impose different treatments to their pieces of woodland such as areas of manicured lawn and other forms of planting. The woodland TPO designation would restrict what residents could do in terms of fully turning the area into domestic gardens given that all existing and future tree and shrub species named on the order would be protected from removal. Notwithstanding, the fragmentation of ownership between neighbouring properties would still risk parts of it being used as domestic garden. Even with the order in place, it would be difficult for the Local Planning Authority to control and prevent the degradation of the woodland over the longer term.
- 7.4.9 It is also considered that the proposed development would lead to future pressure to significantly lop or fell trees which would be incorporated within the amenity gardens. Irrespective of whether this is the intention or not of the current owners, it is reasonably considered that pressure would inevitably be brought about for residents to manage their areas of woodland and to enable them to utilise these areas for private enjoyment.
- 7.4.10 It is therefore considered that the proposed development would result in significant harm to the woodland. The proposed development would be directly contrary to the provisions of Policy DM6 of the Development Management Policies LDD. It is considered that the protection of the woodland and the landscape would be best achieved by maintaining the woods, unfenced, and in single ownership.
- 7.4.11 In summary, the proposed development is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM7 of the Development Management Policies LDD (adopted July 2013).

7.5 Rear Garden Amenity Space

- 7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD sets out standards for the provision of amenity space.
- 7.5.2 As a result of the proposed development, the private rear amenity space to the dwellings would be substantially increased. It is noted that the rear amenity gardens currently meet the adopted amenity space standards.

7.6 Contamination

- 7.6.1 The Council's Environmental Protection Officer was consulted on the proposed development and confirmed that Council records indicate that the estate was built on a site that has had a previous potentially contaminative use. The site is recorded as having had historic "mining & quarrying general" and "unknown filled ground (pit, quarry etc.)" uses.
- 7.6.2 The site was redeveloped under planning permission reference 09/0701/FUL (Demolition of existing buildings and erection of 44 dwellings and 7 flats, alterations to existing vehicular access, associated open space landscaping and car parking).
- 7.6.3 The Environmental Protection Officer notes that Condition 18 relates to requirements for the investigation and remediation of the site which was likely to have been recommended by Environmental Health. It is noted that a number of reports were submitted in support of the application. The Environmental Protection Officer notes that the intrusive investigation and any subsequent remediation works would have been carried out within the boundary of the development site and the area outside the development site (that was subject to gravel extraction), will not have been investigated and will not have been subject of the remediation scheme.

7.6.4 The Environmental Protection Officer therefore considers that it would be appropriate to require an assessment of the potential risks associated with the proposed development. In the event that planning permission is granted, a condition can be attached to any permission securing this assessment.

7.7 Biodiversity

7.7.1 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.

7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.

7.7.3 Policy DM6 of the Development Management Policies LDD also advises that;

a) Development that would affect a Site of Special Scientific Interest, Local Nature Reserve, Local Wildlife Site or protected species under UK or European law, or identified as being in need of conservation by the UK Biodiversity Action Plan or the Hertfordshire Biodiversity Action Plan, will not be permitted where there is an adverse impact on the ecological, geological or biodiversity interests of the site, unless it can be demonstrated that:

- i) The need for the development would outweigh the need to safeguard the biodiversity of the site, and where alternative wildlife habitat provision can be made in order to maintain local biodiversity; and
- ii) Adverse effects can be satisfactorily minimised through mitigation and compensation measures to maintain the level of biodiversity in the area.

d) Development must conserve, enhance and, where appropriate, restore biodiversity through:

- i) Protecting habitats and species identified for retention
- ii) Providing compensation for the loss of any habitats
- iii) Providing for the management of habitats and species
- iv) Maintaining the integrity of important networks of natural habitats, and
- v) Enhancing existing habitats and networks of habitats and providing roosting, nesting and feeding opportunities for rare and protected species.

7.7.4 It is noted that Conditions 12-14 of planning permission 09/0701/FUL to redevelop the site relate to Badger, Reptile and Bat mitigation measures.

7.7.5 The application is directly adjacent, with an open boundary, to a Local Wildlife Site designation. The proposed development would result in a material change of use of the land and would therefore have the capacity to result in a loss of biodiversity through the introduction of new fencing, landscaping and/or lighting. The application is not accompanied by an ecological report which describes the site or note its connection or proximity to the Local Wildlife Site. It is considered that an ecological survey of the application site should be undertaken which considers the Local Wildlife Site and clearly evaluates the impact of the proposed change of use. Further supporting information would likely need to include a management plan to demonstrate how the existing interest can be maintained by homeowners.

7.7.6 In summary, in the absence of an ecological report, it has not been demonstrated that the proposed development would not have an impact on the Local Wildlife Site and that existing biodiversity and wildlife interest would not be adversely affected. As such, the proposal is considered to be contrary to Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies LDD.

7.8 Any Other Harm and Very Special Circumstances

7.8.1 The above assessment has concluded that there would be harm by virtue of inappropriateness of the development in the Green Belt, actual harm to the openness of the Metropolitan Green Belt and would contravene the purposes of the Green Belts. Further harm to the character and appearance of the area, landscape features and biodiversity interests has been identified.

7.8.2 The NPPF is clear at paragraph 143 that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 144 sets out that “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

7.8.3 No very special circumstances have been demonstrated to outweigh the harm to the Green Belt and any other harm identified. The onus is placed on the applicant to put forward a case for very special circumstances. It is noted that a covering letter was submitted with the application setting out the reasons for the application. It is acknowledged that the intention of the applicants is not to alter the character of the land with the exception of erecting a new fence. It is not considered that this would constitute the very special circumstances required to justify the harm to the Green Belt and other harm identified. As such the proposal is contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

8 **Recommendation**

8.1 That PLANNING PERMISSION BE REFUSED for the following reasons:

R1 The proposed development, including the change of use from woodland to garden amenity land and the erection of fencing, would represent an inappropriate form of development resulting in the spread of urbanising development into the Metropolitan Green Belt. The proposed development would directly conflict with the key purposes of the inclusion of land within the Green Belt. The proposal is therefore contrary to Policy CP11 of the Core Strategy (adopted October 2011), Policy DM2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R2 The proposed development, including the change of use from woodland to garden amenity land and the erection of fencing, would harmfully alter the existing rural character of the woodland which would be detrimental to the visual amenities of the character of the area. The proposal is therefore contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and the NPPF (2021).

R3 The proposed development, including the change of use from woodland to garden amenity land and the erection of fencing, would have a detrimental impact on the existing protected woodland. The proposal is therefore contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM6 and DM7 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

R4 In the absence of an ecological report, it has not been demonstrated that the proposed development would not have an impact on the adjacent Local Wildlife Site and that existing biodiversity and wildlife interests would not be adversely affected. The proposal is therefore contrary to Policy CP9 of the Core Strategy (adopted October

2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

Informatives

- I1 The Local Planning Authority has been positive and proactive in considering 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 encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

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PLANNING COMMITTEE – 25 MAY 2023

PART I - DELEGATED

9. 23/0427/FUL – Two storey front, side and rear extensions and loft conversion including roof extensions, insertion of roof lights at 10 GROSVENOR ROAD, NORTHWOOD, HA6 3HJ

Parish: Batchworth Community Council Ward: Moor Park and Eastbury
Expiry of Statutory Period: 29.05.2023 (agreed extension) Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The application was called in by Batchworth Community Council, unless Officers were minded to recommend refusal of the application on the grounds that the submitted scheme has not overcome the previous reason for refusal or appeal decision.

1 Relevant Planning

1.1 8/860/87 – Two storey side extension including garage, two storey rear extension and garage conversion, vehicular access – Permitted.

1.2 98/0995 – Single storey side and rear extensions – Permitted.

1.3 22/0720/FUL - Two storey front, side and rear extensions and loft conversion including roof extensions and insertion of roof lights – Refused for the following reasons:

R1 By virtue of the overall increase in the depth of the flanks together with the introduction of a crown roof and the design of the resultant dwelling, the proposal would result in an excessive increase in the overall bulk and massing of the dwelling which would appear unduly prominent and visually obtrusive within the streetscene. The proposed development would result in the host dwelling appearing unduly prominent within the site and street scene and would be contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

R2 The proposed development by virtue of the cumulative impact arising from the increased depth, height, siting and overall massing of the resultant flank adjacent to No.12 Grosvenor Road would result in an oppressive, overbearing and visually intrusive form of development to the detriment of the amenities of the occupants of No.12. The proposal would therefore be contrary to Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

The above refusal was appealed (APP/P1940/D/22/3307177) and dismissed in an appeal decision dated 13.01.2023. However, the inspector only upheld the appeal on the grounds of R1. They did not find the proposed development to be unacceptable on the grounds of neighbouring amenity impacts (R2).

2 Description of Application Site

2.1 The application site is roughly rectangular in shape and is located on the southern side of Grosvenor Road, Northwood. The application dwelling is a two storey detached dwelling with a catslide roof feature to the side. The dwelling is built of brick with partially white painted beige pebble dash to some walls. The dwelling has existing single storey rear projections.

- 2.2 Land levels slope upwards towards the rear of the site with a patio adjacent to the rear elevation stepping to an area laid as lawn. To the front is a block paved driveway and areas of soft landscaping.
- 2.3 The neighbour at No.8 is a two storey detached dwelling which has existing single storey side and rear extensions. This neighbour sits at a slightly lower land level to the application dwelling.
- 2.4 The neighbour at No.12 is a two storey detached dwelling which has undertaken a number of two storey extensions. This neighbour is sited at a slightly higher land level to the application dwelling.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for two storey front, side and rear extensions and loft conversion including roof extensions, insertion of roof lights.
- 3.2 The Officer's report pursuant to 22/0720/FUL described the proposed development as:

The proposed development includes a two storey infill extension to the front where the existing elevation is 'L' shaped (3.2m deep and 5.3m wide). A first floor front infill extension is also proposed to the western side of the front projection (depth of 5.4m and width of 2.3m). First floor infill extensions are also proposed to rear to both sides of the existing first floor rear projection (3.4m to the east and 2m to the west). As a result of these extensions a crown roof would be created which would extend over two storey front and first floor rear extensions to encompass all the two storey elements (both existing and proposed). A portion of the existing single storey rear projection which accommodates the dining room would be retained in addition to a section of the existing garage where it extends beyond the existing two storey flank. The crown roof would be in line with the highest part of the existing ridge.

The proposed crown roof would also facilitate the creation of loft accommodation which would be served by front, side and rear rooflights.

Additional flank windows are proposed in both side elevations. A central full height glazing feature is proposed within the front elevation.

- 3.3 The current application incorporates the following amendments to the above scheme:

- The proposed two storey front elevation would be stepped such that the 2.7m wide section would be set back 1m from the main front elevation. This element would also be set down 350mm (0.35m) from the main ridge.
- The glazing within the front elevation above the front door has been reduced such that there is now a 0.7m high section of brickwork between the door and the cill of the window.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 National Grid: [No response received]
- 4.1.2 Batchworth Community Council: [Objection]

Batchworth Community Council (BCC) have carefully reviewed the current application including in the context of the earlier refused application (22/0720/FUL) that was also

refused on appeal (22/0040/REF). Alongside this we have considered both the original Pre-App (March 2022) and importantly the subsequent Pre-App in March 2023.

Whilst Batchworth Community Council (BCC) acknowledges that the current application has some small/minor amendments and changes when compared with the application 22/0720/FUL we are not of the opinion that all the points raised by the Inspector at the appeal or the advice received in the most recent Pre-App have been accounted for and incorporated.

Therefore, from BCC's perspective this application still has not addressed the earlier concerns as follows:

1. This application does not take into account the reasons for the refusal of Application 22/0720/FUL and is largely, to all intent and purpose, significantly the same in terms of information and detail. The limited changes incorporated do not account sufficiently for the reasons for the previous refusal. In that refusal the TRDC Planning Officer clearly stated the following:

“By virtue of the overall increase in the depth of the flanks together with the introduction of a crown roof and the design of the resultant dwelling, the proposal would result in an excessive increase in the overall bulk and massing of the dwelling which would appear unduly prominent and visually obtrusive within the street scene. The proposed development would result in the host dwelling appearing unduly prominent within the site and street scene.

The proposed development by virtue of the cumulative impact arising from the increased depth, height, siting and overall massing of the resultant flank adjacent to No.12 Grosvenor Road would result in an oppressive, overbearing and visually intrusive form of development to the detriment of the amenities of the occupants of No.12.”

2. Similarly, the reasons for the appeal refusal have not been accounted for sufficiently and many of the same issues remain. These are detailed and set out clearly in the Appeal Notification and should be accounted for in full.

3. The revised elevations still detract from the street scene including the loss of items such as the chimney stacks.

4. The overall increase in the depth of the flanks walls will continue to result in an excessive increase in the overall massing of the dwelling.

5. The introduction of a crown roof, albeit amended slightly, continues to lead to the massing of the property appearing excessively prominent.

6. Overall, these proposals will be, as previously described, visually obtrusive & prominent within the immediate street scene.

7. All of the aforementioned and the three additional skylights in the roof to the rear, will also have a negative effect on the privacy of the adjoining property (#12)

8. Finally, we are of the opinion that the examples provided of similar forms of construction in Grosvenor Road, contained within the Design & Access statement do not give a full understanding and review of the street. As always, each application needs to be considered on its own merits. The examples provided are the exception to the road & neighbourhood and do not account for the impact that the proposed design & scale of the application will have on the adjoining properties and on this individual site (both #8 & #12).

Accounting for all of our comments above Batchworth Community Council would ask that this application is called in for a decision by the TRDC Planning Committee unless the Planning Officers are minded to refuse.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 5

4.2.2 Responses received: 2 (objections)

4.2.3 Summary of responses received:

- Loss of light
- Overlooking
- Impact on privacy
- Scheme not materially different to the previously refused/appeal scheme

4.2.4 Site Notice: Not required

4.2.5 Press notice Not required

5 Reason for Delay

5.1 No delay.

6 Relevant Planning Policy, Guidance and Legislation

6.1 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).

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 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”.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. 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.

6.3 The Three Rivers Local Plan

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.

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.

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, DM6, DM13 and Appendices 2 and 5.

6.4 Other

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

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.

7 **Planning Analysis**

7.1 Impact on the character and appearance of the host dwelling and the locality

7.1.1 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.

7.1.2 Appendix 2 of the Development Management Policies document outlines that two storey extensions may be positioned on the flank boundary, provided that the first floor element is set in 1.2m. This distance must be increased in low density areas or where the extension would have an adverse effect on an adjoining property. First floor front extensions will be assessed on their own individual merits but should not appear unduly prominent in the streetscene.

7.1.3 Appendix 2 of the DMP LDD outlines that crown roofs are generally discouraged in favour of more traditional roof forms as they can be indicative of the excessive bulk and massing of extensions.

7.1.4 The proposed extensions previously considered via 22/0720/FUL were found to be unacceptable in this respect. The Officer report set out:

The proposed extensions would be set in a minimum of 1.2m from the flank boundaries with spacing increasing to a maximum of 1.4m to the western flank at the front. Notwithstanding this the overall scale of the proposed extensions is considered to be excessive and as a result unduly prominent within the streetscene.

The eastern flank would increase in depth by 6m and the western flank by 7.6m. Both elevations would appear as uninterrupted and excessively deep flank which is further exacerbated by the bulk and massing from the creation of a crown roof. There are some examples of crown roofs in the locality but not comparably at this scale. The proposed extensions fail to achieve any visual subservience to the existing dwelling. The existing dwelling is a two storey property of a traditional form with a pitched roof, catslide roof feature

and two storey gable projection. Whilst the application dwelling has undertaken extensions in the past these appear subordinate in scale to the size of the host dwelling. The proposed extensions which project in line with the existing two storey front feature would erode the irregular plan form and result in a boxy appearance which would be further exacerbated in mass with the introduction of a large crown roof which would extend over all two storey elements. The uninterrupted mass of the building would be excessive in its overall scale and whilst there would be some visual relief to the front elevation achieved by the front bay the form of this element becomes subsumed by the proposed extensions. Whereas this feature currently appears as the dominant front feature the scale of the two storey infill elements and crown roof would now overwhelm the contribution that this feature makes. The front glazing feature also competes visually with the front gable feature and results in vertical emphasis to the front elevation even though the eaves height would remain the same.

Whilst spacing would be retained to the boundaries the overall scale of the extensions subsume the form of the existing dwelling and fail to respond to the character of the streetscene. Whilst it is noted that there are examples of dwellings within Grosvenor Road which have undertaken extensions including the creation of crown roofs these are not on a scale comparable to that now proposed where no attempt has been made to achieve an visual relief to the boxy appearance of the resultant dwelling with deep uninterrupted flanks and an unduly large crown roof which is indicative of the excessive bulk and mass of the extensions.

The proposed rooflights are not considered, in themselves, to appear incongruous however their overall size and number would exacerbate the prominence of the excessive scale of the crown roof.

- 7.1.5 The findings of the LPA were upheld within the appeal inspectors decision (APP/P1940/D/22/3307177). Within their decision the Inspector set out:

The host is a detached two storey property which is set back from Grosvenor Road, behind a front garden. In common with those nearby properties in a broadly similar style, it has a prominent two storey projecting gable with bay windows typical of its era. That, along with recessed and set down single storey and two storey sections to the sides, breaks up the building's mass.

Consequently, like most nearby properties, including those which have been significantly extended, it presents an articulated appearance in the streetscene.

The scheme would not extend beyond the outermost reaches of the host's footprint, nor exceed its maximum height. Whilst the dwelling's size would increase considerably, given the varied proportions of nearby properties that in itself would not be harmful.

However, the resultant dwelling would have an almost straight front face and flanks. That lack of any significant articulation would give it a very rectilinear mass, which would be at odds with the area's prevailing character, and it would appear bulky and excessively dominant in the streetscene.

Given its elevated position, the proposed crown roof would not be very noticeable from Grosvenor Road, and there are other such roofs nearby, such as at Nos 1, 4, 5, 6 and 9. However, those dwellings, and the other examples of significantly extended dwellings at 18 and 19 Grosvenor Road, generally present greater articulation in the streetscene than would be the case here.

The proposed front-facing, ground to eaves, glazing serving the hallway, would be of a contemporary appearance, but in this prominent position it would jar and compete with the style and design of the host's bay windows. Whilst there are occasional examples of floor

to ceiling windows in the wider area as demonstrated in the Design Access Statement, here it would significantly erode the visual dominance of that distinctive architectural feature, and it would add to the harm that I have found by reason of the scheme's bulk.

For the above reasons, the scheme's form and style would significantly harm the area's prevailing character and appearance. It would thus conflict with Policies CP1 and CP12 of the Three Rivers Core Strategy 2011 ('TRCS'), and Policy DM1 and Appendix 2 of the Three Rivers Development Management Policies Local Development Document 2013 ('TRDMP').

- 7.1.6 The appeal inspector found that whilst there was no in principle objection to the proposed increase in size, the resultant dwelling would have resulted in unarticulated straight faces and a very rectilinear mass. As such it would overall appear bulky and excessively dominant in the streetscene. The overall scale of the crown roof by virtue of the lack of articulation would not be comparable to those in the locality. Additionally the glazing within the front elevation was found to compete with the style and design of the host dwelling and would have added to the harm found by reason of the scheme's bulk.
- 7.1.7 The proposed scheme now includes a stepped front and eastern flank together with alterations to the roof form. The proposed two storey front/side extension would be set back 1m from the front elevation for a 2.7m wide section. It is noted that the western and rear elevations would remain flat faced with no articulation in the crown roof. However overall the step in the front elevation together with the 0.35m set down of the two storey front extension would break up the front and eastern side elevations such that there would now be much improved articulation of these elevations. Whilst a crown roof would remain the overall scale and size of that now proposed is more in keeping with others evident within the locality and the broken up massing of the north eastern corner of the building would achieve improved visual interest of these elevations and a subservient appearance of the two storey front/side extension. Overall it is no longer considered that the proposed extensions would represent a 'rectilinear mass' and the resultant dwelling would not appear excessively bulky within the streetscene.
- 7.1.8 In respect of the glazing within the front elevation this has now been reduced such that there is a 0.7m section of brick work between the upper part of the front door and the cill of the window. This provides relief to the previously proposed floor to ceiling glazing and introduces a less contemporary appearance of this element. Overall it is no longer considered that the fenestration detailing would compete with the existing bay, rather it would sympathetically respond to the character of the host dwelling.
- 7.1.9 In summary it is considered that the scheme, as currently submitted, overcomes the previous reason for refusal and findings of the associated appeal decision., Overall it is not considered that the proposed development would result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal would be acceptable 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).
- 7.2 Impact on amenity of neighbours
- 7.2.1 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 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.
- 7.2.2 The scheme submitted via 22/0720/FUL considered that the proposed development would have an unacceptable impact on neighbouring amenity as set out below:

Appendix 2 of the DMP LDD outlines that two storey rear and side extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the 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 positions of windows and development on neighbouring properties.

The proposed first floor infill extension would not intrude a 45 degree splay line with the neighbour at No.8 when taken from the point on the boundary level with their rear elevation. The proposed first floor rear extension would intrude a 45 degree line when taken from the point on the boundary level with the rear elevation of the neighbour at No.12 at its set back point by 2m. However it is acknowledged that the existing flank also partially intrudes a 45 degree line and that the proposed extension would not intrude from the two storey projection of this neighbour.

The proposed extensions would not intrude a 45 degree splay line with the neighbour at No.8. It is acknowledged that the proposed development would result in additional built form adjacent to this neighbour in addition to additional overall massing of the roof form. However the proposed first floor infill extension would not project beyond the rear of this neighbour and whilst the front element would marginally extend beyond the recessed front elevation of the neighbour it would remain set in from the boundary and would not extend beyond the single storey front extension at this neighbour. As such it is not considered that the proposed development would result in an unacceptable impact to No.8 by virtue of an unacceptable overbearing impact or loss of light.

It is acknowledged that the proposed extension would not intrude a 45 degree splay line from the point on the shared boundary level with the two storey rear extension at No.12 however would intrude from the point on the boundary level with the recessed rear elevation which is closest to the boundary with the application site. It is also acknowledged that the existing dwelling would marginally intrude a 45 degree splay line. Nevertheless as existing the majority of the first floor adjacent to this neighbour has a catslide roof form with the deepest section set in from the boundary and set down from the main ridge. The proposed development would result in an increase to the depth of the flank closest to this neighbour by 3.4m at the rear and 3.2m at the front. Additionally the eaves height along this flank would be raised to the highest point as existing for the whole depth of the flank with additional overall massing resulting from the crown roof. It is not considered that the proposed development would result in unacceptable loss of light owing to the south facing nature of the properties on this side of Grosvenor Road. However by virtue of the overall increase in bulk and massing resulting from the development it is considered that cumulatively the height, depth and overall scale of the extensions would result in an overbearing and unneighbourly form of development as experienced from the private amenity space of No.12.

The proposed first floor flank windows would be conditioned to be obscure glazed and top level opening only and the flank rooflights conditioned to have a cill height of at least 1.7m above floor level in order to prevent unacceptable overlooking.

In summary, the development would result in unacceptable harm to the neighbouring amenity of No.12 Grosvenor Road and is therefore considered to be contrary to Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD in this regard.

7.2.3 However within the appeal decision dated 13.01.2023 (APP/P1940/D/22/3307177) the appeal inspector concluded:

“.....having regard to the particular site circumstances here, whilst the scheme would intrude into the 45 degree splay, it would not conflict with the thrust of TRCS Policy CP12 and

TRDMP Policy DM1 and Appendix 2 which set out that development is expected to protect residential amenities and to take into consideration their effect on neighbours with regard to matters including outlook.”

- 7.2.4 The scheme now submitted proposes a reduction in the overall level of built form, particularly adjacent to No.12 where harm was previously identified by the LPA. As such the submitted scheme is considered to be an improvement to that which was previously considered to be acceptable to the inspector within their appeal decision (APP/P1940/D/22/3307177).
- 7.2.5 The proposed first floor flank windows would be conditioned to be obscure glazed and top level opening only. Additionally the flank rooflights would be conditioned to have a cill height of at least 1.7m above floor level in order to prevent unacceptable levels of overlooking.
- 7.2.6 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring dwelling so as to justify refusal of the application and the development would therefore be acceptable 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).

7.3 Highways & Parking

- 7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.

7.4 Appendix 5 outlines that dwellings with four or more bedrooms should provide 3 on-site parking spaces. The existing site frontage can only accommodate two cars and as such there is an existing shortfall of one space. As a result of the proposed development there would be no requirement for additional parking and therefore the existing shortfall would remain. Given this is an existing situation that would not be exacerbated, no objection is raised.

7.5 Rear Garden Amenity Space

- 7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.5.2 Appendix 2 requires 147sqm to be provided for a six bedroom dwelling. The application site would retain approx. 350sqm of amenity space and as such would comply with Appendix 2 in this respect

7.6 Trees & Landscape

- 7.6.1 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.
- 7.6.2 The proposed development would not require the removal of any trees nor is considered to result in any harm to others.

7.7 Biodiversity

- 7.7.1 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.

- 7.7.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. Given that the proposed development includes work affecting the roofspace an informative will be added to ensure the applicant is mindful of the action to take should bats be discovered.

8 Recommendation

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

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

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: A-01 Rev A, A-02 Rev A, A-03 Rev A, A-04 Rev A, A-05 Rev A, A-06 Rev A (East and West side elevations), A-06A (Sections) and B-01 Rev A

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

- C3 Unless specified on the approved plans, 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.

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

- C4 Before the first occupation of the extension 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 window 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).

- C5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the side elevations or roof slopes of the extension 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).

- C6 The flank rooflights hereby permitted shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

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 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- I2 The applicant is reminded that the Control of Pollution Act 1974 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.

- I3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- I4 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

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

or an appropriately qualified and experienced ecologist.

(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).

PLANNING COMMITTEE – 25 MAY 2023

PART I - DELEGATED

- 10. 23/0449/FUL - Construction of part single, part two storey side and rear extension; loft conversion including rear dormer and front rooflights; relocation of entrance door and removal of chimney breast; internal alterations, at 5 POPES ROAD, ABBOTS LANGLEY, HERTFORDSHIRE, WD5 0DQ**

Parish: Abbots Langley

Expiry of Statutory Period: 26 May 2023

Ward: Abbots Langley and Bedmond

Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be Refused.

Reason for consideration by the Committee: called in by 3 Members of the Planning Committee due to concerns regarding proximity to the boundary, overdevelopment and parking.

1 Relevant Planning

- 1.1 No relevant planning history.

2 Description of Application Site

- 2.1 The application site consists of a two storey semi-detached property located on the eastern side of Popes Road, Abbots Langley. This part of Popes Road can be characterised by detached, semi-detached and terraced dwellings of varied architectural design and finish.
- 2.2 The application dwelling has a dark slate pitched roof and an exterior consisting of light render to the front and brick to the rear of the flank and rear elevation. At the rear there is a two storey and part single storey rear projection. To the front of the dwelling is a small front garden and a side access. The application site has no off street parking. To the rear of the dwelling is an amenity garden of some 120sqm in area.
- 2.3 The neighbour to the north at No. 3 is the adjoining two storey semi-detached dwelling which is built of a similar architectural style to the application dwelling. This neighbour has a two storey rear and part single storey projection which mirrors that at the host dwelling.
- 2.4 The neighbour to the south at No. 7 is a detached two storey dwelling, sited on a similar building line, built up to the flank boundary. This neighbour has a single storey rear extension with a hipped roof form.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of a part single part two storey side and rear extension, loft conversion including rear dormer and front rooflights, relocation of entrance door and removal of chimney breast and internal alterations.
- 3.2 The existing dwelling has a 'L' shaped projection and is therefore less wide to the rear. The proposed part single, part two storey side and extensions would essentially extend the full depth of the dwelling, infilling the existing recessed area to the rear.

- 3.3 The two-storey side element would have a width of 1.8m at both ground and first floor level, set in from the common boundary with No. 7 Popes Road by 0.5m. The proposed two storey side extension would be built in line with the front wall of the host dwelling. At ground floor level, it would have a total depth of 14.1m projecting beyond the original recessed rear elevation of the host dwelling by 5.9m. The single storey rear element would have a width of 5.8m, set in 0.5m from the common boundary with No. 7. It would have a mono pitched roof form with a maximum height of 3.5m. At first floor level, the proposed side and rear extension would have a total depth of 11.3m, extending 2.9m beyond the original recessed element of the original host dwelling. The first floor rear element would have a gabled roof form. It would have a maximum height of 7.9m and eaves height of 5.7m.
- 3.4 The proposal would also include a loft conversion which would include a flat roofed rear dormer extension. The proposed dormer would have a width of 5.2m, depth of 2.3m and height of 2m. It would be set down from the main ridge by 0.2m and set in from the western flank by 0.3m and set in from the eastern flank by 0.3m. Two rooflights are proposed to the front elevation.
- 3.5 The existing entrance door into the dwelling would be slightly relocated to within the front wall of the ground floor element of the extension.
- 3.6 At first floor level, front and rear facing windows are proposed. A first floor window is proposed to the southern flank to serve a bathroom. Rear facing fenestration is also proposed to the rear and within the rear dormer.
- 3.7 The proposed extensions would be constructed in materials to match the host dwelling.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Abbots Langley Parish Council: [Objection/concerns raised]

Members believe the proposed development presents a number of issues such as issues with the proximity to the neighbour's boundary, parking allocation issues due to the extra bedroom, and party foundation issues. Member also note objections raised by neighbours and would raise a concern regard the Party Wall Act 1996. Members ask the planning officer to note to the applicant that neighbours should be in accord on what will be done along a shared boundary.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 6

4.2.2 Responses received: 2 (objections)

- 1st floor side extension would block any light to two 1st floor windows adjacent to
 - No. 5 and would be less than half a meter away resulting in darkness during the day due to its proximity to the common boundary. The windows would also directly face walls and block light into the garden in the evening.
 - Would lead to access issues to the rendered walls and wall ventilators for our bathrooms.
 - Result in a terracing effect, overbearing and not typical of the streetscene.

- Loft could be used as a bedroom which will increase the demand for additional parking spaces which is extremely challenging already.

4.2.3 Site Notice: Not required

4.2.4 Press Notice: Not required

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

6.1 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).

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 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”.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. 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.

6.3 The Three Rivers Local Plan

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.

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.

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, DM6, DM13 and Appendices 2 and 5.

6.4 Other

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

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.

7 Planning Analysis

7.1 Impact on the character and appearance of the host dwelling and the locality

- 7.1.1 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.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. Appendix 2 of the DMP LDD outlines that two storey side extensions should be set in 1.2m from the boundary at first floor level, although in high density areas 1m will be considered. The Design Criteria of the DMP LDD stipulates that few properties are designed to incorporate future extensions, therefore any additions built need to take into account their visual impact. Oversized, unattractive and poorly sited additions can detract from the character and appearance of the general streetscene.
- 7.1.3 This part of Popes Road comprises of semi-detached, detached and terraced properties which are varied in architectural style and are of a suburban character with spacing between them. The neighbour at No. 7 is a detached property which is sited on the boundary with the application dwelling.
- 7.1.4 The submitted plans indicate that the proposed two storey side extension would be set in from the southern boundary with no. 7 at ground and first floor by only 0.5m. Whilst it is acknowledged that the application site is within a higher density area where 1m spacing may be appropriate, the proposal at 0.5m would fall significantly short of this. The spacing is further reduced by the siting of the neighbour on the boundary.
- 7.1.5 It is considered that the proximity of the proposed extension at first floor level to the flank boundary with No 7 would result in a terracing effect and would not maintain the appropriate spacing in line with the character of the locality. The close proximity to the boundary would also be exacerbated by the extensions gabled roof form, adding upper bulk and massing close to the common boundary. As such, it is considered that this element of the proposal by virtue of its proximity to the boundary at first floor level would result in demonstrable harm to the character and appearance of the host dwelling and wider streetscene of Popes Road.
- 7.1.6 The existing rear projection at the application dwelling is mirrored by the adjoining neighbour. These existing rear elevations are unarticulated but characterful features to the pair. The proposed first floor rear extension would create a wide flush rear elevation at first floor level which would add significant massing to the dwelling and would fail to respect the character and appearance of the host dwelling or adjoining

neighbour. The introduction of large first floor windows would also fail to respect the character and appearance of the dwelling.

- 7.1.7 The single storey rear element would project for a depth of 5.9m from the recessed element of the host dwelling to be built in line with the existing two storey rear projection. At this depth, whilst it would exceed the guidance figure within Appendix 2, given that it would not project beyond the deepest existing ground floor element it is not considered that the single storey element would in itself appear disproportionate in relation to the host dwelling.
- 7.1.8 The application proposes a loft conversion to incorporate a rear dormer and front rooflights.
- 7.1.9 Appendix 2 of the Development Management Policies LDD states the following with regard to dormer windows; *'dormer windows should always be subordinate to the main roof. They should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall'*.
- 7.1.10 The proposed dormer window given its scale would overwhelm the roofslope and would be only minimally set down from the main ridge and minimally set in from the flank elevations. It is not considered to be a subordinate addition to the host dwelling and by virtue of its scale would adversely affect the character and appearance of the host dwelling. Additionally, whilst sited to the rear, the large dormer window would be evidently visible from public vantage points in Breakspear Road. When considering its scale and lack of subordination, it would result in an unsympathetic addition which would adversely affect the character and appearance of the host dwelling and area.
- 7.1.11 With regards to the proposed front rooflights, there are others within the vicinity and therefore this would not be uncharacteristic or harmful.
- 7.1.12 In summary, the proposed two storey side and rear extension by virtue of its design, scale and proximity to the flank boundary would appear incongruous, cramped and excessively prominent within the street scene and would fail to maintain appropriate spacing, to the detriment of the character and appearance of the host dwelling and street scene. The proposed rear dormer by reason of its excessive scale would subsume the rear roofslope, resulting in demonstrable harm to the character and appearance of the host dwelling and area. The development would therefore fail to accord with the Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).

7.2 Impact on amenity of neighbours

- 7.2.1 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 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.
- 7.2.2 To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude 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.

- 7.2.3 The Residential Design Criteria at Appendix 2 of the Development Management Policies document also advise that in the interests of privacy and to prevent overlooking, windows of habitable rooms at first floor level and above should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7m from internal floor level and obscure glazed.
- 7.2.4 Appendix 2 of the Development Management Policies LDD (2013) states that generally for semi-detached dwellings single storey rear extension should not be deeper than 3.6m, this distance may be reduced should the extension adversely affect adjoining properties or be unduly prominent.
- 7.2.5 Considering firstly the impact on the adjoining property, No. 3 Popes Road. The proposed extension would not project beyond the rear of this neighbour at ground or first floor and therefore would not result in demonstrable harm. The rear dormer, whilst substantial in size would not result in harm through overshadowing. It is not considered that overlooking of No. 3 would be facilitated by the rear dormer. This is because the rear dormer would be in the main roofslope and views of the neighbouring garden would largely be obscured by the existing two-storey rear projections at both properties. There are currently no first floor rear windows in the rear projection adjacent to No. 3, whereas the proposal would introduce two large bedroom windows in close proximity of the boundary that would afford views into the private amenity space of the neighbour to the detriment of the residential amenities of occupiers of this property.
- 7.2.6 Turning to No. 7 Popes Road. This neighbour is sited on the shared boundary and includes two first floor flank windows facing the application site that serve a landing and stairs. To the rear there is a first floor window close to the boundary and a single storey rear projection. The proposed two-storey side extension would be sited only 0.5m from the shared boundary which would reduce the space between the properties and may result in some loss of light to the two first floor flank windows. However, these flank windows do not serve a habitable room and are currently borrowing light from the neighbour and it is not considered that the reduction in spacing would result in such harm to justify refusal of planning permission.
- 7.2.7 The ground floor element of the side/rear extension would not project beyond the rear of the neighbour at No.7. The first floor side/rear element would project slightly (approximately 0.7m) beyond this neighbour and due to the siting of the neighbour on the boundary, the 45 degree line would be intruded. However, as noted above Appendix 2 indicates that the 45 degree line should be taken from the rear of any ground floor projection and when applying this approach there would be no intrusion. It is also noted that the first floor window is slightly set in from the boundary. Therefore it is not considered that the extensions would result in harm through overshadowing or loss of light. The proposed flank window could be conditioned to be obscure glazed and top opening to prevent overlooking in the event that planning permission were to be granted. The rear dormer would give some oblique views to the neighbour, however, it is not considered that this would be significantly different to that from existing first floor windows.
- 7.2.8 The proposed rooflights to the front roofslope would not result in any unacceptable overlooking to any neighbouring properties.
- 7.2.9 Subject to conditions the proposed development would not result in demonstrable harm to neighbouring amenity through overshadowing or loss of light and similarly

there would be no demonstrable harm through overlooking of No. 7. However, the introduction of two first floor rear windows would afford views into the private amenity space of the neighbour at No. 3 to the detriment of the residential amenities of occupiers of this property and contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2013) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.3 Highways & Parking

- 7.3.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards. The parking standards set out that for a dwelling of four bedrooms or more, three off-street parking spaces should be provided.
- 7.3.2 It is noted that the application site has no off street car parking currently. There is a layby adjacent to the application site on the eastern side of the Popes Road. However, there are parking restrictions on Gallows Hill Lane and the western side of Popes Road. The existing property has 3 bedrooms and therefore the existing shortfall is 2.25 spaces of which 2 should be assigned. The proposed development would result in a four bedroom property including the space in the loft which could be used as a bedroom. This would equate to a shortfall of 3 assigned car parking spaces and increased shortfall of 0.75 or 1 assigned space.
- 7.3.3 The National Planning Policy Framework requires Local Planning Authorities to set parking requirements taking into account the accessibility of the development; the type, mix and use of the development; the availability and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.
- 7.3.4 While Appendix 5 of the Development Management Policies document refers to adjustment of parking requirements according to the accessibility zone in which a site is located, the zone-based reductions do not apply to residential development, although Appendix 5 does advise that in areas of high accessibility and good service provision a reduction in the levels of parking for residential may be appropriate.
- 7.3.5 The application site is within Abbots Langley which is identified as a Key Centre in the Core Strategy, however, it is not considered that the application site would be considered to fall within an area of high accessibility where a reduction in the levels of parking required for residential development would be appropriate.
- 7.3.6 Although parking standards are generally considered as maxima, the shortfall in parking provision at the application site that would result from the proposed development would lead to increased demand for the limited on-street parking that is available. As set out in the Core Strategy, levels of car ownership in Three Rivers are high and given the existing site circumstances and constraints in the area, it is considered that this increased demand would add to parking stress in the area so as to materially affect the highway with parked vehicles leading to obstruction to the free and safe movement of vehicles and pedestrians, adversely affecting the character and appearance of the area and the amenity of residents. Whilst the existing shortfall is noted, given the pressures for parking in the locality the increased shortfall is considered significant in this instance and the parking stress in the locality has been raised by residents and was observed by the Case Officer during the site visit.
- 7.3.7 It is therefore considered that the proposed development results in an increased shortfall of parking provision to serve the dwelling which would be likely to result in

an increase in parking outside of the application site to the detriment of the safe movement and free flow of other highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

7.4 Rear Garden Amenity Space

7.4.1 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.

7.4.2 Appendix 2 outlines that four bedroom dwellings should provide 105sqm of amenity space. The application site will retain approx. 120sqm of amenity space and therefore would exceed the requirements of Appendix 2 in this respect.

7.5 Trees & Landscape

7.5.1 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.

7.5.2 The proposed development would not require the removal of any trees nor is considered to result in any harm to others.

7.6 Biodiversity

7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. Given that the proposed development includes work affecting the roofspace an informative will be added to ensure the applicant is mindful of the action to take should bats be discovered.

8 Recommendation

8.1 That PLANNING PERMISSION BE REFUSED for the following reasons:

- R1: The proposed two storey side and rear extension by virtue of its design, scale and proximity to the flank boundary would appear incongruous, cramped and excessively prominent within the street scene and would fail to maintain appropriate spacing, to the detriment of the character and appearance of the host dwelling and street scene. The proposed rear dormer by reason of its excessive scale would subsume the rear roofslope, resulting in demonstrable harm to the character and appearance of the host dwelling and area. The development therefore would fail to accord with the Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).
- R2: The proposed development would introduce two large first floor rear bedroom windows in close proximity of the boundary with No. 3 Popes Road that would afford direct views into the private amenity space of the neighbour, to the detriment of the residential amenities of occupiers of this property and contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2013) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- R3: The proposed development results in an increased shortfall of parking provision to serve the dwelling which would be likely to result in an increase in parking outside of the application site to the detriment of the safe movement and free flow of other highway users. The development is therefore contrary to Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

Informatives

- 11 The Local Planning Authority has been positive and proactive in considering 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 encourages applicants to have pre-application discussions as advocated in the NPPF. The applicant and/or their agent did not have formal pre-application discussions with the Local Planning Authority and the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.

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PLANNING COMMITTEE – 25 MAY 2023

PART I - DELEGATED

- 11. 23/0577/RSP – Retrospective: Retention of temporary access track for construction vehicles to facilitate developments at Bullsland Farm for a further temporary period at BULLSLAND FARM, BULLSLAND LANE, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5BG (DCES)**

Parish: Chorleywood Parish Council

Ward: Chorleywood South and Maple Cross

Expiry of Statutory Period: 07.06.2023

Case Officer: Freya Clewley

Recommendation: That Retrospective Planning Permission is granted.

Reason for consideration by the Committee: The application was called in by Chorleywood Parish Council due to concerns regarding the access being no longer temporary if an additional three years is granted, and Green Belt concerns as set out in full at 4.1.1 below.

1 Relevant Planning History

1.1 Farm Complex

- 1.1.1 16/2516/FUL - Part conversion, part demolition and construction of new buildings to create four dwellings with associated access, parking and landscaping – Permitted - 24.03.2017, works substantially complete.
- 1.1.2 16/2517/LBC - Listed Building Consent: Part conversion, part demolition and construction of new buildings to create four dwellings with associated access, parking and landscaping – Permitted - 24.03.2017, works substantially complete.
- 1.1.3 21/2041/FUL – Comprehensive parking and access arrangements for Bullsland Farm complex – Permitted – 11.11.2021
- 1.1.4 21/2515/PDA – Prior Notification: Change of use of agricultural building to four residential dwellings with operational works to building and associated curtilage – Permitted - 22.12.2021, not implemented.
- 1.1.5 22/0563/FUL – Variation of Condition 2 (Approved Plans) pursuant to planning permission 16/2516/FUL (Part conversion, part demolition and construction of new buildings to create four dwellings with associated access, parking and landscaping) to convert garage into habitable accommodation with external alterations to parking – Permitted – 01.06.2022, works substantially complete.
- 1.1.6 22/1074/LBC – Variation of Condition 2 (Approved Plans) pursuant to Listed Building Consent: 16/2517/LBC: (Listed Building Consent: Part conversion, part demolition and construction of new buildings to create four dwellings with associated access, parking and landscaping) to convert garage into habitable accommodation with external alterations and alterations to parking – Permitted – 12.08.2022, works substantially complete.
- 1.1.7 23/0326/FUL – Redevelopment of site including demolition of existing barn buildings and construction of 4 no. single storey dwellinghouses with boundary treatments including garden wall, timber posts and rail fencing, with associated bin store, parking, curtilage and landscaping works – Pending Consideration
- 1.1.8 23/0347/FUL – Variation of Condition 2 (Plan Numbers) pursuant to planning permission 16/2516/FUL (Part conversion, part demolition and construction of new buildings to create

four dwellings with associated access, parking and landscaping) to allow erection of front porch to plot 4 – Refused – 24.04.2023, during a site visit it was ascertained that the porch is currently in situ.

1.1.9 23/0542/PDA – Prior Notification: Change of use of agricultural building to four residential dwellings with operational works to building and associated curtilage – Pending Consideration

1.1.10 23/0590/LBC – Listed Building Consent: Internal alterations and alterations to fenestration to the existing farm house to create four bed residential dwelling including alterations to external materials and installation of air source heat pump – Pending Consideration

1.2 Threshing Barn

1.2.1 19/1361/FUL - Conversion of existing former threshing barn to a self-contained dwelling including internal and external alterations to the building, construction of single storey extension and associated parking, landscaping and residential curtilage – Permitted - 25.10.2019, works in relation to this consent have commenced.

1.2.2 19/1362/LBC - Listed Building Consent: Conversion of existing former threshing barn to a self contained dwelling including internal and external alterations to the building, construction of single storey extension and associated parking, landscaping and residential curtilage – Permitted - 25.10.2019, works in relation to this consent have commenced.

1.3 Hayloft

1.3.1 16/0203/FUL - New/replacement dwelling through conversion and extension of existing barns on the site, alterations to and refurbishment of curtilage Listed buildings, demolition of 20th Century agricultural buildings on the south of the site and associated landscaping – Permitted - 04.04.2016

1.3.2 16/0204/LBC - Listed Building Consent: New/replacement dwelling through conversion and extension of existing barns on the site, alterations to and refurbishment of curtilage Listed buildings, demolition of 20th Century agricultural buildings on the south of the site and associated landscaping – Permitted - 04.04.2016

1.3.3 17/1364/FUL - Conversion of Hayloft from a mixed use of residential and commercial to independent residential dwelling with associated parking and curtilage – Permitted - 20.10.2017, implemented.

1.3.4 17/1365/LBC - Listed Building Consent: Conversion of Hayloft from a mixed use of residential and commercial to independent residential dwelling with associated parking and curtilage - Permitted - 20.10.2017, implemented.

1.4 Wider Site

1.4.1 20/0439/FUL - Temporary change of use of land to construct access track for construction vehicles to facilitate developments at Bullsland Farm (3 year permission) - Permitted - 30.07.2020, implemented.

1.4.2 21/1025/FUL - Erection of solar array in an adjacent field, associated infrastructure and construction of single storey plant building including landscaping - Permitted - 14.01.2022, not implemented.

1.4.3 22/0269/RSP – Retrospective: Temporary change of use of land to construct extension to temporary access track for construction vehicles to facilitate developments at Bullsland Farm – Permitted – 05.05.2022, implemented.

- 1.4.4 22/0238/FUL – Erection of new passing bay with metal post, rail fencing and tarmac driveway on Bullsland Lane – Pending Consideration

2 Description of Application Site

- 2.1 The application site forms a strip of land which comprises an access track that cuts through a field that forms part of the Bullsland Farm complex and is used for construction related traffic. The land subject to the application is an open agricultural field and contains open land, orchard trees and pond feature. The application site leads from Bullsland Lane to the west of the building complex; running parallel to the curtilage boundary that serves the Threshing Barn a Grade II Listed Building.
- 2.2 The application site adjoins Bullsland Lane at the entrance to Bullsland Farm to the south east of Piggy Lane and a public footpath.
- 2.3 Bullsland Farm benefits from a number of planning permissions as set out above. A construction management plan has been approved which sets out that the construction vehicles will access the site via a new access track from Bullsland Lane. The access track connects from Bullsland Lane from the north and provides direct connectivity to the construction site which includes a complex of buildings which make up Bullsland Farm. The track is approximately 310m in length and 5m in width.
- 2.4 With regards to policy designations, the application site falls within the Metropolitan Green Belt.

3 Description of Proposed Development

- 3.1 This application seeks retrospective planning permission for the retention of the temporary access track for construction vehicles to facilitate developments at Bullsland Farm for a further temporary period. The current temporary planning permission for the track permitted via 20/0439/FUL expires on 30 July 2023.
- 3.2 The track is constructed from hardcore, rubble and road planings.
- 3.3 No alterations to Bullsland Lane are proposed as part of the current application.
- 3.4 The description of proposed development for the current application has been amended such that it no longer refers to a specific temporary time period.

4 Consultation

4.1 Statutory Consultation

4.1.1 Chorleywood Parish Council: [Objection]

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

To roll on for a further three years will make the temporary access no longer temporary, a permanent track in this location is not an appropriate development in the Green Belt and this will inevitably become a permanent feature resulting in a further piecemeal development at this site.

4.1.2 Hertfordshire County Council – Highway Authority: [No Objection]

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

Comments/Analysis

Description of Proposal

Retrospective: Retention of temporary access track for construction vehicles to facilitate developments at Bullsland Farm for a further three years.

Site and Surroundings

Bullsland Farm is located on bridleway Chorleywood 024, a right of way. The nearest HCC highway is Bullsland Lane which is an unclassified local access road subject to a 30mph speed limit which is highway maintainable at public expense.

Access and Parking

The application proposes to retain the use of an access track which was first suggested as part of a Construction Management Plan relating to a Discharge of Conditions application, reference 20/0153/DIS. The application for the track itself, under application reference 20/0439/FUL, was recommended for refusal by HCC Highways, but approved by the LPA. As shown on satellite imagery and the site plan, the access track has been established at the site and has evidently been in use. The Highway Authority still wish to note that the end of Bullsland Lane is not considered to be suitable for motor vehicles which raises concerns as noted in the previous application for the track. However, it is noted that there have not been any collisions close to the track access from the highway within the last 5 years; and the use of the track ensures that the bridleway, Chorleywood 024 is clear of construction traffic. It is acknowledged that a number of applications have been made which would require large construction vehicles to enter the site if approved, and therefore the access track would likely be of use. Thus, due to the track seemingly being in use, potentially for 3 years already, and the likely positive impact that the diversion of construction vehicles would have upon the bridleway, HCC as the Highway Authority does not wish to restrict the granting of permission for a further 3 years.

Conclusion

HCC as Highway Authority has considered the application and are satisfied that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highway and therefore, has no objections on highway grounds to this application.

4.1.3 National Grid: No response received.

4.1.4 Hertfordshire County Council Footpath Section: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 20

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired 10.05.2023 Press Notice: Expired: 14.05.2023

5 Reason for Delay

5.1 None

6 Relevant Planning Policy, Guidance and Legislation

6.1 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).

6.2 S66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission.

6.3 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The 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”.

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. 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.

6.4 The Three Rivers Local Development Plan

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.

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, CP11 and CP12.

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 DM2, DM3, DM6, DM7, DM8, DM9, DM13 and Appendices 4 and 5.

The Chorleywood Neighbourhood Plan (referendum version, August 2020). Policy 2 is relevant.

6.5 Other

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

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.

7 Planning Analysis

7.1 Impact on the Green Belt

7.1.1 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. The NPPF sets out that Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

7.1.2 Paragraph 147 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy DM2 of the Development Management Policies document outlines that the construction of new buildings in the Green Belt is inappropriate with certain exceptions. Policy DM2 is silent with regards to engineering operations. It is noted that Policy DM2 pre-dates the current NPPF.

7.1.3 Paragraph 150 of the NPPF states:

Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.

These are:

a) mineral extraction;

b) engineering operations;

c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

d) the re-use of buildings provided that the buildings are of permanent and substantial construction;

e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and

f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

7.1.4 In this instance, paragraph 150 (b) is relevant and the works could be regarded as a form of development which is appropriate in the Green Belt. However, this caveated by the development a) preserving openness and b) not conflicting with the purposes of the Green Belt.

7.1.5 In relation to the assessment of the impact on openness of a development within the Green Belt, paragraph 001 of the NPPG states;

Assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*

- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.*

7.1.6 The development consists of a formal access track that has the appearance of a roadway that cuts through the open, undeveloped field. The roadway has resulted in an urbanising feature within the open landscaping. It also results in intensification of the use of the land through permitting construction traffic passing along open fields. The roadway has resulted in a visually apparent feature that looks at odds with the open, undeveloped landscape of the surrounding field land. The earth which was stripped from the field and created into temporary bunds running alongside the track also by virtue of its height has an impact on openness. The development, by virtue of its siting, scale and use therefore cannot be said to preserve the openness of the Green Belt albeit temporary.

7.1.7 Additionally, when considering the location of the access track it also encroaches into the open landscape thus conflicting with one of the purposes of including land within the Green Belt, namely, its failure to safeguard the countryside from encroachment.

7.1.8 As a result, the development cannot be said to fall within paragraph 150(b) or any other exceptions. As such, whilst it is noted that the access road is temporary, the development constitutes inappropriate development which is harmful, by definition. The applicant wishes to retain the access road for a further three years. As such, the visual effects of the development on the openness is limited to the time that it is in place; any retrospective planning permission would include a condition that the land be returned to its former state in accordance with the timeframe set out within the condition for the original planning permission 20/0439/FUL. Notwithstanding this, whilst it is noted that the visual effects of the development would be limited to the time that it is in place, it is noted that the access track has already been in situ for over two years, and a further retention of the access track for another period of time would result in increased harm to the openness due to the access track becoming a more permanent feature.

7.1.9 It is acknowledged that the access road was originally granted under application reference 20/0439/FUL for a temporary period of 3 years. As such, the original temporary permission expires on the 30 July 2023. The applicant has advised during the current application that the works currently being undertaken to the Threshing Barn (19/1361/FUL) could take a minimum of a further 12 months. Furthermore, the applicant has advised that the conversion of the southern barn, previously permitted under application reference 21/2515/PDA and currently being reconsidered under application reference 23/0542/PDA due to the time limit to have completed the works expiring in the next 9 months, is unlikely to commence until the works to the Threshing Barn are complete, given that the same contractors are likely to be used. As such, the works to both the Threshing Barn and the Southern Barn are likely to be ongoing for a further two years. Notwithstanding this, it is noted that the works to the Threshing Barn and Southern Barn are conversion works, and not new buildings. As such, the scale of works to facilitate the conversion of these buildings would not be of the same scale as that for the construction of new buildings. As such, it is not considered that it has been demonstrated that the works would be of such a substantial scale that would require the retention of the access track for a further three years. It is considered reasonable to extend the use of the access track for a further 12 months, as the need for large vehicles to access the site would reduce as the development progresses. It is noted that there are other applications which are currently pending consideration for additional units, however these applications are not a material consideration currently, given that they do not benefit from planning permission. Therefore, given the scale of works which currently have planning permission, and the ongoing works on site, it is considered reasonable to extend the use of the access track for a further 12 months.

7.1.10 In summary, the development permitted and retention of the access road for a further one year would represent inappropriate development, harm to the openness of the Green Belt

and conflicts with the purposes of the Green Belt, contrary to the NPPF (2021), Policy CP11 of the Core Strategy and Policy DM2 of the Development Management Policies document. In accordance with paragraph 148 of the NPPF when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. This is further discussed below.

7.2 Impact on Character and Street Scene

7.2.1 Policy CP12 of the Core Strategy relates to design that states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to local context and conserve or enhance the character, amenities and quality of an area' and 'conserve and enhance natural and heritage assets'. Policy DM3 seeks the preservation of Listed Buildings.

7.2.2 Policy DM7 DMP LDD relates to landscape character and states:

In all landscape regions, the Council will require proposals to make a positive contribution to the surrounding landscape. Proposals that would unacceptably harm the character of the landscape in terms of siting, scale, design or external appearance will be refused planning permission.

7.2.3 The works appear at odds and out of context within the surrounding landscape. It also results in an intensification of use of the existing undeveloped field with the passing of construction traffic leading from Bullsland Lane to the site and back.

7.2.4 The Bullsland Farm complex includes two Grade II Listed Buildings. The Conservation Officer has previously advised that the undeveloped, agrarian landscape surrounding the listed buildings is an important aspect of their setting which contributes to their significance. However, the Conservation Officer raised no in principle objections as there would be no permanent changes to the landscape once the land has been returned to its former state following the removal of the temporary access track. As such, granting use of the track for a period of a further 12 months would not result in any greater harm to the heritage assets than that approved under extant permission 20/0439/FUL.

7.2.5 Thus, it is considered that the hardstanding and associated construction traffic using the access track fail to respect the rural qualities of the landscape contrary to Policy CP12 and Policy DM7 of the DMP LDD.

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'.

7.3.2 The granting of a further temporary permission would not affect the access arrangements or facilitate an intensification of use of the main aspect of the track granted under extant permission 20/0439/FUL. The use of the access for a further 12 months, therefore, would not result in any demonstrable harm to the residential amenities of the surrounding neighbouring properties along Bullsland Lane.

7.3.3 In summary, the development does not result in any adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy.

7.4 Impact on Highway Safety

7.4.1 Policy CP10 of the Core Strategy relates to transport and states:

Development will need to demonstrate that:

i) It provides a safe and adequate means of access

l) It makes adequate provision for all users, including car and other vehicle parking, giving priority to people with mobility difficulties, pedestrians, cyclists and equestrians

7.4.2 The access arrangements into the site were approved under application 20/0439/FUL and the current application does not change these arrangements. Notwithstanding this, any retrospective permission would include a condition that the access track is only used when a banksman is present to control the use and restricting delivery times as approved under application 20/0439/FUL.

7.5 Trees and Landscaping

7.5.1 No protected trees would be affected by the development. The Landscape Officer did comment on the application and advised that no trees should be removed or damaged to facilitate the construction of the development.

7.6 Biodiversity

7.6.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive. The Habitats Directive places a legal duty on all public bodies to have regard to the habitats directive when carrying out their functions.

7.6.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application.

7.6.3 The application is supported by a Grassland Restoration Plan that was approved under application 21/1891/DIS the restoration of the land following the cessation of use of the access track and extensions will be required to be carried out in full accordance with the details set out within the Plan. There would therefore be no long term harm to biodiversity as a result of the works.

7.7 Very Special Circumstances/Planning Balance

7.7.1 In accordance with paragraph 148 of the NPPF when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very Special Circumstances (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

7.7.2 It has been identified that the extension to the access road results in harm to the Green Belt by virtue of the inappropriateness of the development, actual harm to the openness of the Green Belt and conflicting with one of the purposes of Green Belts and visual amenities of the landscape.

7.7.3 The access track is required to prevent the construction traffic, associated with the implementation of extant planning permissions associated with the Bullsland Farm complex, having to use the private part of the Bullsland Lane which is also a bridle path. Bullsland Lane, where it branches off from the adopted spur is therefore used by a number of other

users including walkers, equestrians and cyclists. Bullsland Lane is a very narrow road and due to the size of the construction vehicles there would be limited to no passing places and there are tight bends at the northern entrance of the lane. The temporary access road provides an alternative use for construction traffic to help to prevent conflict between the construction traffic and other vulnerable users of Bullsland Lane. Taking into consideration the limitations of Bullsland Lane in terms of its limited width and that it is a bridle path the access track and extensions to the approved track prevents conflict between large construction vehicles and other users of Bullsland Lane. This holds material weight in favour of the development. A condition will be attached to any permission that the construction track will only be accessed when there is a banksman sited at the entrance which would also help to prevent any conflict at the entrance between construction traffic and other users of the highway.

- 7.7.4 Furthermore, whilst it is noted that the access track has already been in situ for a period of time, the access track is only for a temporary period of time and extending the use of the access track for a further three years is not considered reasonable at this time. A period of 12 months is considered more appropriate based on the information submitted and the extent of works undertaken across the site. In addition, it should be noted that the land on which the access sits is also required to be returned to its previous condition within the time extension.
- 7.7.5 As set out in the NPPG (paragraph 7.1.5 of this report) the visual and spatial harm to the openness of the Green Belt is also assessed in relation to the duration of the development. As the scheme is only for a temporary feature the harm to the openness of the Green Belt and visual amenities of the landscape would only be limited to the time of which the access would be in situ.
- 7.7.6 Thus, taking into consideration the fact that access road would only be a temporary feature and the harm would be rectified following its removal and reinstatement of the land and that the proposal seeks to prevent conflict between construction traffic and other users of Bullsland Lane, it is considered that there are material considerations which constitute very special circumstances that would outweigh the inappropriateness of the development and the temporary harm to the opens of the Green Belt and the conflict with the purposes of the Green Belt.
- 7.7.7 It should be acknowledged that the granting the use of the temporary access road for year to facilitate construction traffic entering and exiting the site does/would not set a precedent or future justification for the temporary access to be permanently retained to serve the residential properties permitted at the site.

7.8 Other Matters

- 7.8.1 The British Pipeline Agency commented on the previous application advising that there are pipelines within the vicinity of the development. An informative would be attached to any retrospective planning permission advising the applicant of their contact details.

8 **Recommendation**

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

C1 The development hereby permitted shall be maintained for the permitted temporary period, as specified within Condition 2, in accordance with the following approved plans: TRDC001 (Location Plan), 22.015A.

Reason: For the avoidance of doubt and in the proper interests of planning, to protect the Green Belt, visual amenities of the landscape and residential amenities of neighbouring properties and in accordance with Policies CP1, CP9, CP10 and CP12

of the Core Strategy (adopted October 2011) and Policies DM2, DM3, DM6, DM7, DM8, DM9, DM13 and Appendices 4 and 5 of the Development Management Policies LDD (adopted July 2013).

- C2 By the 26 May 2024, the 5 metre temporary haul road hereby permitted (including all associated materials (i.e. sub base) and temporary fencing) as shown on drawing number REF: 22.015A, shall be permanently removed from the application site with the land restored to its former condition in accordance with the details set out within the approved Grassland Restoration Plan (P4105.1.1), by agb Environmental, dated 3 June 2021.

Reason: Temporary permission is to facilitate the construction works and protect the users of Bullsland Lane from construction traffic and to protect the openness of the Green Belt, residential amenities of the neighbouring properties and character and appearance of the Listed Building in accordance with Policies CP1, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM3 and DM9 of the Development Management Policies LDD (adopted July 2013).

- C3 The access track, hereby permitted, shall not be used at anytime when not manned by a banksman at the entrance with Bullsland Lane. No deliveries to the Bullsland Farm development shall take place before 1000 hours or after 1500 hours Monday to Friday with no deliveries on Saturday/Sunday or Bank Holidays.

Reason: In the interests of highway safety, to protect the other users of the public right of way and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C4 All construction traffic associated with the construction works at Bullsland Farm shall only access and exit Bullsland Farm via the temporary access road hereby permitted.

Reason: In the interests of highway safety, to protect the other users of the public right of way and convenience in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011).

- C5 No trees, hedgerows or shrubs shall be felled, lopped or pruned, nor shall any roots be removed or pruned to facilitate the development and for a period of five years after completion of the development hereby approved. Any trees, hedgerows or shrubs removed or which die or become dangerous, damaged or diseased before the end of a period of five years after completion of the development hereby approved shall be replaced with new trees, hedging or shrub species (of such size species and in such number and position as maybe agreed in writing), before the end of the first available planting season (1st October to 31st March) following their loss or removal.

Reason: The existing trees/hedgerows/shrubs represent an important public visual amenity in the area and should be protected in accordance with the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 and DM7 of the Development Management Policies LDD (adopted July 2013).

- C6 No external lighting shall be installed on the site or affixed along the access track.

Reason: In the interests of visual amenity and biodiversity and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policies DM6 and DM9 of the Development Management Policies LDD (adopted July 2013).

8.2 **Informatives:**

- 11 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. It is a requirement under Regulation 67 of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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

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

- 12 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.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is reminded that the proposed works are in close proximity to a high-pressure petroleum pipeline system and British Pipeline Agency wish to ensure that any works in the vicinity of the pipeline are carried out in accordance with the British Pipeline Agency safety requirements (www.linewatch.co.uk). To obtain more detail of the pipelines location, please contact the British Pipeline Agency on 01442 218846 and quote the BPA reference 2020/0506.