

PLANNING COMMITTEE – 23rd January 2025

24/1479/FUL – Demolition of existing dwelling and construction of replacement two storey detached dwelling with accommodation within the roof served by rear dormers at CARTREF, ORMONDE ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2EJ

Parish: Batchworth Community Council
Expiry of Statutory Period: 14.11.2024
(Extension of time agreed to 30.01.2025)

Ward: Moor Park & Eastbury
Case Officer: Tom Norris

Recommendation: To delegate authority to the Head of Regulatory Services to, following the expiry of the consultation period, consider any further comments received and GRANT Planning Permission for the development subject to conditions.

Reason for consideration by the Committee: Called in by three members of the planning committee unless Officers are minded to refuse planning permission, due to plot coverage, siting, and parking provision. Also called in by Batchworth Community Council unless Officers are minded to refuse, due to concerns over siting and plot coverage.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SJWILIQFL8O00>

1 Relevant Planning History

- 1.1 24/0915/CLPD - Certificate of Lawfulness Proposed Development: Construction of single storey rear extension - 05.08.2024 – Permitted, not implemented.
- 1.2 W/1/65 - House and garage - 02.02.1965

2 Description of Application Site

- 2.1 The application site is located on Ormonde Road, Moor Park, which is a short street connecting Wolsey Road with Bedford Road.
- 2.2 The application dwelling is located on the southern side of the road, and is the only house fronting the street on this side.
- 2.3 The site contains a detached dwelling. The dwelling has a gabled roof form, and an exterior finish consisting of facing brick and hanging tile. The dwelling contains a flat roofed attached garage. The application dwelling contains a carriage driveway and a rear amenity garden which measures some 550sqm in area.

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the demolition of existing dwelling and construction of replacement two storey detached dwelling with accommodation within the roof served by rear dormers and associated works.
- 3.2 The proposed dwelling would assume a relatively similar position to the current dwelling within the plot. The front site boundary is splayed however the principal front elevation of the new dwelling would be set back 7.8m from the public highway which would be some 1.5m closer to Ormonde Road relative to the principal front elevation of the existing dwelling. The dwelling would be set 24.5m from the highway at its furthest point
- 3.3 The proposed dwelling would have a maximum width of 18.5m and would be spaced 2.3m from the eastern flank boundary and 2.4m from the western flank boundary. The proposed

dwelling would have a principal depth of 10.0m and would have a hipped roof form with an eaves height of 6.0m and an overall height of 10.6m.

- 3.4 There would be a two-storey front gabled projection with bay window to the right side of the dwelling which would project 2.2m forward of the principal front elevation and would have a width of 6.5m. This would have an eaves height of 6.0m and an overall height of 9.4m. There would be a two-storey front projection to the left side of the dwelling which would project 1.0m forward of the principal front elevation and would have a width of 6.0m. This would have a hipped roof form with an eaves height of 6.0m and an overall height of 9.4m.
- 3.5 There would be a two-storey central projection to the rear which would project 1.5m rearward of the principal rear elevation and would have a width of 6.6m. This would have a hipped roof form with an eaves height of 6.0m and an overall height of 9.4m. There would be a ground floor rear projection that would have a depth of 4.0m from the principal rear elevation, a width of 12.0m and would have a flat roof with an overall height of 3.5m.
- 3.6 Within the rear roofslope there would be two pitched roofed dormer windows which would have a depth of 2.0m, a width of 2.0m and a height of 1.8m. There would be a rooflight within the rear roofslope of the central projecting feature.
- 3.7 The dwelling would contain ground and first floor windows within its front, rear and flank elevations. There would be a Juliet balcony within the rear elevation at first floor level.
- 3.8 The proposed dwelling would have an exterior finish consisting of red facing brick, stone detailing and a dark tiled roof.
- 3.9 Amended plans were received during the application which lowered the roof angle of the dwelling; the central feature window in the front elevation was removed and the general quantity of glazing reduced; the Georgian column style porch was removed; the second projecting rear bay was removed; the rear dormers were reduced in scale; the dormer within the central rear projection was replaced with a rooflight; and the rear balcony was removed. The proposal then incorporated more traditional "Arts & Crafts" features such as a two-storey front bay window and gable with a hanging tile finish, and a chimney stack.

4 Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [Objection – to original proposal]

The application site is located within Moor Park Conservation Area. The special architectural and historic interest derives from houses built in the mid twentieth century, many in individually designed Arts and Crafts houses and set back in spacious surroundings, the attractive views along tree lined streets and attractive roads in differing scales.

The application site is not one of the 'original' developments within the planned estate and is an infill development. The submitted Heritage Statement states that it was formed by splitting off rear garden land from 23 Bedford Road. and that it was built in 1965 under consent W/1/65. It is of low historic significance within the estate and makes a neutral contribution to the Conservation Area.

A new dwellinghouse within this plot is considered acceptable in principle in heritage terms. However, there are concerns over the siting, scale, and detailing of the proposal.

As a later infill development, the plot is relatively narrow and the existing dwellinghouse already sits relatively far forward within the site, particularly on the western side due to the irregular shape of the site frontage. The proposal would sit even further forward within the site than the existing, reducing the approximately 10m from the shortest boundary to

approximately 8m. The proposed elevations show a full ridge height of 10.5m, while the existing is approximately 8m. The existing width excluding garage is approximately 13.5m, which would be increased to 18.5m, with the existing depth of approximately 8m excluding porch and garage projection, increased to a full depth of 13.8m or 10.5m excluding the proposed rear projection.

This would create a dwellinghouse that is very large in scale, particularly in width, and the height and bulk would create an overbearing impact, which is exacerbated by the relatively small infill plot. This would result in an unduly prominent addition to the street scene, contrary to the character of the Conservation Area.

While there are a range of designs and scale of dwellinghouses within the wider Conservation Area, the houses on Ormonde Road are asymmetrical in their design and appearance, typical of the arts and crafts style, some with timber detailing. The proposal has a more symmetrical and classical emphasis, particularly in the front porch and central glazed feature at first floor which contrasts / does not reflect the prevailing character and appearance of the Conservation Area. However, it should be noted that the scale and siting is the primary concern; minor changes to the appearance would not overcome this.

The Moor Park Conservation Area Appraisal (CAA) sets out several criteria for development including some relevant considerations in terms of design and scale. Para 3.3 states that to prevent the erosion of open street vistas, residential amenity and the appearance of a street, construction in front of the existing building line is unacceptable. Para 3.4 states that where the width of existing buildings covers 80% or more of the plot width at the building line, further extension towards the boundaries (or upwards) will not be permitted. Para 3.6 states that schemes for replacement houses with deep floor plans or additional floors entailing large overall bulk, height, or more complex roof forms, are unlikely to be sympathetic with the character and appearance of the conservation area and are therefore unacceptable. The proposal would not comply with these development criteria within the CAA.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is 'less than substantial' as per paragraph 208. 'Great weight' should be given to the heritage asset's conservation as per paragraph 205.

4.1.2 Batchworth Community Council: [Objection]

Comment 1 (01.10.2024)

BCC has no objection to the application. It is however considered important to ensure that the tree protection plan is fully adhered to in order to protect and retain the existing screening of the site.

Comment 2 (16.10.2024)

Following further consultations with Moor Park 58 Ltd, BCC would now like to raise objections on the following points.

Plan 002 is disingenuous as the 'street scene' shows 58 Wolsey Road and 23 Bedford Road as references for comparative ridge heights. The proposed ridge height of 105.0 (approx 34.6 ft) appears to be disguised on PL002. This plan gives NO reference to either the topography or the context of the proposed dwelling within the actual site.

Moving the frontage forwards and extending the width of the unit creates an overwhelming impact of both height and mass. This is a relatively small plot which is adversely impacted by the excessive flank to boundary width (80%) the reduction of hard standing and parking spaces. The increase to six/seven bedrooms could impact the car parking space. The space will now be inadequate for potentially four or more residents cars and/or visitor parking.

BCC requests a tree replacement schedule is included and an agreed landscaping plan be a pre commencement condition.

BCC requests that this application be called into committee unless officers are minded to refuse.

4.1.3 Moor Park (1958) Ltd: [Objection]

The Directors of Moor Park (1958) Limited do not object to the principle of the proposal for the demolition of the existing 1960s house and its replacement with a dwelling along the lines of the design as proposed.

However, there are aspects of the proposal which are contrary to Policy and have a detrimental effect on the character of the Conservation Area.

Paragraph 3.4 of the Moor Park Conservation Area relates to built frontage width and plot coverage. The current dwelling complies with both requirements having a site coverage of less than 13% and having more than 20% of the site frontage at existing building lines clear of development. However, the proposed development has a wider building than currently exists, increasing the built frontage to over 80% and a site coverage in excess of 20%.

A justification for the increase in the site coverage beyond that set out in MPPCA appears to be the Certificate of Lawful Development relating to Permitted Development Rights in respect of a single storey rear extension across the back of the existing house. It is accepted that this would allow for a site coverage of the plot in excess of 15% but not to the extent that is now proposed with the site coverage further increased by the increased width of the dwelling.

The siting of the dwelling also raises concerns as it is being proposed to move the house substantially closer to the Ormonde Road. The proposed new dwelling has a substantial increase in bulk across the built frontage, not only due to the increased width but also due to the existing single storey double garage section of the building becoming a two-storey element, resulting in a substantial increase in visual bulk both due to the proximity of the proposed house to the flank boundaries of the property and it being closer Ormonde Road. Accordingly, the increase in the bulk of the building will have a negative impact on the Conservation Area.

Another detrimental impact of moving the house closer to the road is the loss of driveway and parking area. The impact of this can clearly be seen on the plans submitted showing the existing and proposed site plans. This shows the cramped area being formed between the front porch and grassed front area. With the loss of the double garage for parking, together with the loss of driveway parking area, there is a great concern that in conjunction with the increase in the size of the house from a 4 bedroom house to a 6 bedroom (7 if the games room with en-suite bathroom is used as a bedroom) house the green area at the front of the house will come under pressure for additional parking contrary to the Moor Park Conservation Area Appraisal.

The proposal also includes four rooflights in the flank roof elevations, two on the east and two on the west. These are in conflict with the MPPCA and a policy which has been rigidly enforced by TRDC of late. Two of these are to serve bedrooms which already have rear facing windows and the other two are to serve a plant room and an en-suite bathroom.

Accordingly as the application stands we object to the detail of the proposal and would suggest that the proposed building is reduced in width, both to reduce the excessive site coverage and comply with the built frontage requirement as set out under the Moor Park Conservation Area Appraisal, that the new dwelling is set back so that the front wall of the proposed house is on the line of the existing front wall and is not moved closer to the road

to reduce its impact when viewed from Ormonde Road and assist in providing better car parking.

4.1.4 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 7

4.2.2 Responses received: 0

4.2.3 Site notice posted 20.09.2024, expired 11.10.2024.

4.2.4 Press notice published 27.09.2024, expired 18.10.2024.

4.2.5 Given some material changes to the amended plans, these were reconsulted on for 21 days on 13.01.2025. The date of overall expiry for consultation is 03.02.2025.

5 Reason for Delay

5.1 Committee cycle and for Officers to seek amendments.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

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

6.1.5 The Environment Act 2021.

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

6.2.1 In December 2024 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. 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”.

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, CP3, CP8, 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 Policies DM1, DM3, DM4, DM6, DM10, DM13 and Appendices 2 and 5.
- 6.3 Other
- 6.3.1 Moor Park Conservation Area Appraisal (2006).
- 6.3.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 Planning Analysis

7.1 Principle of Development

- 7.1.1 Policy DM3 of the Development Management Policies Document states that, within Conservation Areas permission for development involving demolition or substantial demolition will only be granted if it can be demonstrated that the structure to be demolished makes no material contribution to the special character or appearance of the area. Section 3.1 of the Moor Park Conservation Area states that the Council will give high priority to retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. As a guide, the Council will seek the retention of buildings on the estate erected up to 1958 when the original estate company was wound up. The Conservation Area Appraisal lists a number of criteria related to the superseded Local Plan (1996-2011) however states that any replacement building must preserve or enhance the Conservation Area.
- 7.1.2 As set out in the planning history section of this report, it is noted that there is a planning history entry (W/1/65) for the construction of a dwelling. It is acknowledged that this post-dates 1958. The Moor Park Conservation Area Appraisal seeks to protect dwellings that make a positive contribution to the character and appearance of the Conservation Area and notes that, generally speaking, these are properties constructed on the estate prior to 1958. The date the existing dwelling was constructed does not meet this criteria.
- 7.1.3 The Conservation Officer confirmed in their comments that the existing dwelling is of low historic significance within the estate and makes a neutral contribution to the Conservation Area and its demolition to make way for a new dwelling is considered acceptable in principle. As such there is no overriding policy requirement for the existing dwelling to be retained and it is considered that the proposed development satisfies the criteria set out in Policy DM3 and the principle of demolishing the dwelling is considered acceptable.

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. 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 site is located within the Moor Park Conservation Area therefore Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area.
- 7.2.4 The proposed replacement dwelling would be sited at least 2.3m from each flank boundary which would exceed the 1.5 metre policy requirement for flank spacing as set out in the Moor Park Conservation Area Appraisal (the requirements of which are discussed below in more detail). The existing dwelling is sited 2.5m to its eastern side and 2.4m to its western side. The proposed dwelling would therefore be 0.2m closer to the eastern boundary and would be 0.1m further from the boundary on the western side. It is considered that this would not be discernible and the difference is de minimis.
- 7.2.5 The proposed new dwelling would have a higher ridge of some 2.5m relative to the existing dwelling. The dwelling does not sit within a street scene with other dwellings, given that it is the only dwelling on this side of the street fronting Ormonde Road. Notwithstanding, the indicative street scene shows that the overall height of the dwelling would meet the midpoint of the nearest dwellings each side, on Wolsey Road and Bedford Road. On this basis, it is not considered that the proposal would appear overly prominent or dominant as a result of its height. It is noted that the Conservation Officer raises concerns regarding the dwelling being set forward compared with the existing. While this is noted, at 1.5m closer to the street, it is not considered that this would result in the dwelling appearing overly prominent. A relatively substantial set back from the street would be maintained and the spacious character of the frontage and area maintained as a result.
- 7.2.6 It is considered that the proposed rear dormer windows are subordinate in scale to the host roof form and would not appear harmful to the character and appearance of the dwelling or area.
- 7.2.7 It is acknowledged that the Moor Park Conservation Area Appraisal states that planning permission is required for any proposal to construct a rooflight on the front or side elevation of main roofs. Rooflights are considered an incongruous feature of the conservation area and any proposed rooflight visible from the street are unlikely to be acceptable. Given that the proposed rooflight occupies the rear roofslope, it is considered that it would be acceptable. The rooflight will be conditioned to be conservation style. It is considered that the flat roofed design of the rear single-storey projections would be acceptable. This would be obscured from the street scene, and it would be a clearly legible ground floor feature and would not detract from the design of the dwelling.
- 7.2.8 In terms of the individual design, the dwelling would have a relatively traditional appearance. Amendments were sought during the application to reduce the bulk and massing of the dwelling, and to introduce more characterful features. These are set out within the description of development section of this report. The proposed dwelling already proposed the use of traditional materials such as facing brick and dark roof tiles. It is considered reasonable to request final materials although in principle, the traditional materials displayed on the proposed plans are considered to integrate well with the Conservation Area setting. Overall, the proposed design is acceptable and would preserve the character of the Conservation Area.
- 7.2.9 It is also important to consider whether the proposals comply with the planning guidance for Moor Park as set out in the Conservation Area Appraisal (Oct 2006). Key aspects of the Moor Park guidance in relation to this application are the percentage of plot coverage in

area, plot width coverage and distance to the boundaries. The Moor Park Conservation Area Appraisal sets the following guidance:

- Maximum building line width of 80% at the front building line
- Buildings should not cover more than 15% of the plot area.
- 1.5m being kept clear between flank walls and plot boundaries

- 7.2.10 The proposed development would occupy 80% of the plot frontage width which would comply with the above. At least 2.3m would be kept clear between the flank walls and the plot boundaries. The proposed dwelling would result in a plot coverage of 19.5%. The LPA acknowledge that this would exceed the above guidance set out in the Appraisal. While this is noted, it is factored into consideration that the plot is relatively shallow compared with surrounding plots, which reduces its overall area. The proposed development would comply in terms of flank spacing and frontage width. On balance, the proposed development would have an insignificant impact upon the overall plot coverage and would not harmfully impact the open and spacious character of the site and area. Furthermore, it is noted that a Lawful Development Certificate has been granted to confirm the existing dwelling could be extended at the rear under deemed planning permission, and this would amount to a plot coverage of 20%.
- 7.2.11 Considering the above factors relating to the general scale and siting of the proposed dwelling collectively, it is considered that the proposed development would not result in harm to the character of the area in terms of its overall scale and massing and would not represent an overdevelopment of the plot.
- 7.2.12 Whilst the relative scale and appearance of the dwelling is deemed acceptable, as set out above, it is considered reasonable to restrict future permitted development rights to further enlarge the dwelling or amend the approved fenestration without adequate planning control. It is also considered that the removal of permitted development rights for outbuildings would be appropriate in this instance, given the proposed plot coverage of the site, to bring under planning control any further buildings to ensure an assessment can be made against their impact on the character of the area.
- 7.2.13 In summary, the proposed development is acceptable in accordance with 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 (2024).

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 proposed development would not intrude the 45-degree splay line with any neighbour given its relatively isolated position. The dwelling is some 30m from the nearest neighbour on Bedford Road and some 50m from the nearest neighbour on Wolsey Road. It is not considered therefore that the proposed development would result in an overbearing impact or a loss of light or outlook to the front or rear window of any adjoining neighbour.
- 7.3.3 The proposed replacement dwelling would contain ground and first floor level glazing within its front, rear and flank elevations. The dwelling would also contain rear dormer windows and a rooflight. It is primarily considered that the proposed windows would not provide a materially different front and rear outlook to that which is achievable currently. 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 the privacy of any neighbour.

- 7.3.4 It is considered appropriate for the proposed flank windows at first floor level to be conditioned to be obscure glazed and top-level opening only.
- 7.3.5 The proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011).
- 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 would retain a driveway large enough to accommodate at least three car parking spaces which would meet the parking standards. It is acknowledged that the dwelling would be sited some 1.5m closer to Ormonde Road, relative to the principal front elevation of the existing dwelling, however this would not impact the ability of parking or car circulation around the carriage drive within the frontage. This is demonstrated on the proposed block plan, which shows no increase to the area of hardstanding within the front.
- 7.4.3 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 Rear Garden Amenity Space
- 7.5.1 Policy CP12 of the Core Strategy states that development should consider the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.5.2 The application site would retain a rear garden of over 500sqm which would exceed the amenity space standards.
- 7.6 Trees & Landscape
- 7.6.1 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.
- 7.6.2 There are no TPO trees within the application site however it is acknowledged that the Conservation Area status affords protection to trees. The development proposes the removal of the relatively overgrown conifer hedge to the frontage. It is not considered that the removal of this feature would harm the character and appearance of the street scene. Frontages such as this within the estate tend to be more open in character. The development proposed the removal of three category U trees and two category C trees. The removal of the category U trees is acceptable. It is considered that the proposed removal of the category C trees is acceptable in principle given that they are not of significant amenity value, however they should be replaced. A landscaping condition will be included on any permission granted for details and location of replacement planting. The development will also be conditioned to be carried out in accordance with the tree protection plan.
- 7.7 Refuse & Recycling
- 7.7.1 Core Strategy Policy CP1 states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies document sets

out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.7.2 The existing dwelling is located within a residential area and the collection of refuse and recycling bins adjacent to the highway would be considered acceptable in accordance with Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).

7.8 Sustainability

7.8.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero-carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.

7.8.2 The application is accompanied by an energy statement prepared by Building Energy Experts. The report confirms that a range of energy efficiency measures are to be incorporated into the building fabric to reduce energy demand and confirms that the proposed scheme is to secure at least a 5% reduction in CO2 emissions below the baseline emission rate based on Part L 2013 edition.

7.9 CIL

7.9.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area A' within which there is a charge of £180 per sq. metre of residential development.

7.10 Biodiversity

7.10.1 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.

7.10.2 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.

7.10.3 This application is accompanied by a Bat Emergence Survey Report by Chase Ecological Consultancy. A Preliminary Bat Roost Assessment was carried out in May 2024 which found a small number of bat droppings. Given the evidence of Bats, the PRA recommended that emergence surveys were carried out. Three surveys were carried out between 8 July and 19 August 2024. The surveys did not record any activity of Bats entering or exiting the property. The report concludes that no further surveys are required however a precautionary

approach to works should be taken. The report proposes the incorporation of an integrated bat roost to the east elevation of the proposed dwelling. A condition will be included on any permission requiring the implementation of this.

7.11 Mandatory Biodiversity Net Gain

7.11.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions.

7.11.2 The applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to self-build development. The LPA agree that BNG would not apply in this instance.

8 Recommendation

8.1 To delegate authority to the Head of Regulatory Services to, following the expiry of the consultation period, consider any further comments received and GRANT Planning Permission for the development 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: TRDC-01 (Location Plan), 6071 PL001 F, 6071 PL002 B, 6071 PL010 B, 6071 PL011 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 character and appearance of the Conservation Area and the residential amenity of neighbouring occupiers in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM4, DM6, DM10, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

C3 Prior to the commencement of works above ground level, samples and details of the proposed external materials and finishes, including details of windows, rooflights and rainwater goods, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed only in accordance with the details approved by this condition.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

C4 The protective measures, including protective fencing in accordance with BS 5837:2012 standards, detailed (black line) on the Tree Protection Plan (page 15 of the Tree Condition Report) shall be erected and maintained on site throughout the entire course of the development 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: To prevent damage to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class A - enlargement, improvement or other alteration to the dwelling

Class E – buildings etc

Reason: To ensure adequate planning control over further development having regard to the visual amenities of the locality, the residential amenity of neighbouring occupiers in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 The development hereby permitted shall be implemented in accordance with the details of the energy statement prepared by Building Energy Experts prior to the occupation of the development and shall be permanently maintained thereafter.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C7 The development hereby permitted shall be implemented in accordance with the recommendations of the Bat Emergence Survey Report by Chase Ecological Consultancy, including the incorporation of an integrated bat roost to the east elevation of the proposed dwelling, prior to the occupation of the development and shall be permanently maintained thereafter.

Reason: To ensure to ensure that any protected species are safeguarded and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C8 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 extensions 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).

- C9 Prior to the first use of the dwelling hereby permitted, the windows in the side facing elevations at first-floor level 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 windows are installed and 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).

- C10 Prior to the first occupation of any part of the buildings or completion of the development, whichever is sooner, details of the position and type of replacement trees to be planted within the site to mitigate the proposed tree removal shall be submitted to and approved in writing by the Local Planning Authority. The tree planting shall be carried out as approved before the end of the first planting and seeding season following first occupation of any part of the buildings or completion of the development, whichever is sooner.

If any trees become severely damaged or diseased within five years of the completion of development, they shall be replaced with trees or shrubs of appropriate size and species in the next planting season (i.e., November to March inclusive).

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

- C11 No demolition shall take place until a contract has been put in place to secure the redevelopment of the site permitted via planning permission 24/1479/FUL and details of the contract have been submitted to and approved in writing by the Local Planning Authority. The contract shall include details of the timescale for carrying out the approved redevelopment.

Reason: To ensure that the existing dwelling is not demolished without arrangements for the replacement in the interests of the character and appearance of the Conservation Area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

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 £145 per request (or £43 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 01438 879990 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.

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>.

- 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 effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
 - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
 - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Self and Custom Build Development, meaning development which:

- a) consists of no more than 9 dwellings;
- b) is carried out on a site which has an area no larger than 0.5 hectares; and
- c) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.