

PLANNING COMMITTEE - Thursday 23rd January 2025

24/1614/FUL – Demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works and vehicle cross over at 20 Batchworth Lane, Northwood, HA6 3DR

Parish: Batchworth Community Council
Expiry of Statutory Period: 27.12.24
Extension of Time: 31.01.25

Ward: Moor Park and Eastbury
Case Officer: Clara Loveland

Recommendation: That planning permission be granted.

Reason for consideration by the Committee: Batchworth Community Council called in if Officers are minded to approve for the reasons set out at paragraph 4.1.2.

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=SL2Q0MQFLI700>

1 Relevant Planning History

1.1 23/1875/FUL - Demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works; erection of rear outbuilding including double garage. Refused, for the following reason (planning committee overturn):

R1 The proposed replacement dwelling, by reason of the large amount of glazing to the front gable, and the increase in height on this prominent corner plot would result in a development which does not respect the character of the area and would have an adverse impact on the street scene. The proposal would therefore 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 LDD (adopted July 2013) and the NPPF (2023).

1.2 23/0395/FUL - Demolition of existing dwelling and construction of replacement dwelling with habitable roof accommodation including front/rear dormers and side rooflights, provision of basement level and rear outbuilding including double garage, new front driveway, heat pumps, solar panels, landscaping works and stopping up of existing access and creation of new access onto Eastbury Road – Refused, for the following reasons:

R1 The proposed replacement dwelling by virtue of its design and corner plot siting, bulk and massing, including the introduction of complex crown roof forms, bulky flank elevations and turret feature, would result in an unduly prominent and incongruous form of development which fails to have regard to the prevailing character of the immediate area, to the detriment of the visual amenities of the locality. The proposal therefore fails to comply with 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 In the absence of an agreed Flood Risk Assessment and drainage strategy that meets the requirements set out in the guidance published by the Lead Local Flood Authority, the Local Planning Authority is not satisfied that the development would be supported

by an acceptable sustainable drainage strategy and is not satisfied that the development would not be subject to unacceptable risk of flooding or not exacerbate risk of flooding elsewhere. The development is accordingly contrary to Policy DM8 of the Development Management Policies LDD (adopted October 2013) and the NPPF (2021, Chapter 14).

- 1.3 22/1745/FUL - Demolition of existing dwelling and replacement new dwelling with habitable roof accommodation including front and rear dormers, basement level linked to rear outbuilding including double garage, new front driveway, landscaping works and stopping up of existing access and creation of new access onto Eastbury Road – Withdrawn.
- 1.4 08/0117/FUL - Two storey side and rear extension, single storey rear extension, conversion of garage into living space, loft conversion with rooflights and detached garage to rear – Permitted.
- 1.5 07/1138/FUL – Two storey side extension and front dormer and two storey rear extensions, conversion of garage into habitable room, single storey rear extension and loft conversion with two rooflights to front, three rooflights to rear and two rooflights to side elevation and erection of a detached rear double garage to rear – Withdrawn.

2 Description of Application Site

- 2.1 The application site is rectangular in shape and contains a detached dwelling located on the southern side of Batchworth Lane, Northwood, on the corner with Eastbury Road. Batchworth Lane is a residential street characterised by detached dwellings of varying architectural styles and designs, many of which have been extended or altered.
- 2.2 The application dwelling is a detached dwelling with an existing integral garage and a catslide roof form to the front elevation, with a front dormer serving the first-floor accommodation. The dwelling is finished in white render, mixed red brick and tile hanging, with a front two-storey bay window projection. The dwelling has a dark tiled hipped roof form. There is a carriage driveway to the frontage, with access to Batchworth Lane and Eastbury Road with space for three vehicles. To the rear, a patio area abuts the rear elevation of the host dwelling, leading to an area of lawn and soft landscaping
- 2.3 The neighbour to the east, number 22 Batchworth Lane, is a two-storey detached dwelling, located close to the shared boundary with the application site. This neighbour is located on the same building line and land level as the host dwelling and extends minimally beyond the existing rear elevation of the host dwelling at ground floor level.
- 2.4 The neighbour to the west, number 18 Batchworth Lane, is separated from the application site by Eastbury Road. High hedging runs along the western boundary of the application site. The neighbour to the south, No. 80 Eastbury Road, is beyond the rear garden of the application site and is a two-storey property.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels, heat pump, access, bin and bike store, parking and landscaping works and vehicle crossover.
- 3.2 The new dwelling would be two stories above ground and have a basement. The ground floor would have a maximum depth of 16.6m and a width of 11.7m. The single-storey element would have a flat roof behind a hipped skirt with a height of 4.6m (measured from the rear elevation). At the first floor, it would have a maximum width of 11.2m and a depth of 14m. The basement would have a width of 12.5m and a depth of 22.3m. The new dwelling

would have a crown roof with a ridge height of 9.2m (measured from the front elevation). The front and rear elevations would be stepped. There would be a two-storey front projection with a gable end roof with a ridge height of 8m. The two-storey rear hip projection would hold the same ridge height as the crown roof. There would be a rear dormer within the rear roof slope. It would have a width of 1.8m, a depth of 1.6m and a flat roof with a height of 1.5m. There would be roof lights within the roof slopes. There would be solar panels on the eastern roof slope.

- 3.3 The dwelling would be finished in brick and render and have clay roof tiles. The new dwelling would have 5 bedrooms.
- 3.4 There would be a patio to the rear of the new dwelling. It would have a depth of 4m beyond the ground floor and stretch across the full plot and wrap around the flanks of the dwelling. It would be of a height in line with the ground floor level. It would be 0.4m above the rear garden below. Beyond the patio would be a rear garden which would include a timber pergola walkway.
- 3.5 Gates would be added on either side of the dwelling providing access to the rear garden.
- 3.6 The existing front access from the driveway onto Eastbury Road would be closed. The existing crossover from Batchworth Lane would be retained and provide provision for 1 vehicle to park. There would be other front site works including landscaping. A new rear access from Eastbury Road is proposed towards the rear of the site. It would be 3.6m wide. There would be new driveway to the rear of the site to provide parking for 2 vehicles. This area would have gates set 6m back from the boundary with Eastbury Road, opening inwards into the driveway area.
- 3.7 The existing vegetation at the site would be removed and replaced with new boundary trees.
- 3.8 There would be 2 air-source heat pumps located beyond the rear patio area, adjacent to the western boundary line.
- 3.9 The Design and Access statement states the changes from refused planning application 23/1875/FUL are:
 - Glazed front gable entrance changed to traditional aesthetic
 - Roof ridge height lowered.
 - Removal of rear annex building
 - Additional drainage detail provided.
- 3.10 On review of the plans pursuant to the refused planning application 23/1875/FUL the following alterations have been identified:
 - Crown roof ridge height lowered by 0.7m, from 9.9m as refused to 9.2m as proposed.
 - Omission of rear annex/garage building.
 - Retention of the front access width (previously refused scheme narrowed the width of this).
 - Traditional design added into the central panel of the front gable (previously refused contained clear glazing).

4 Consultation

4.1 Statutory Consultation

4.1.1 Hertfordshire County Council – Highway Authority – 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 recommends that permission be refused for the following reasons:

1) Secondary vehicular access: The proposed access arrangements are not in accordance with Hertfordshire County Council specifications as documented in The Place and Movement Planning and Design Guide and Hertfordshire County Council Residential Dropped Kerb Terms and Conditions and has the potential to interfere with the free and safe flow of highway users on the adjacent highway. The proposals are therefore contrary to policy guidelines as outlined in the National Planning Policy Framework (NPPF) and Hertfordshire Local Transport Plan (LTP4).

2) Vehicle Gate setback: The proposed Vehicle access gate is not setback far enough from the back edge of the highway and is therefore not in accordance with design standards outlined within the Place and Movement Planning and Design Guide Part 3 Chapter 7 4.1. A lack of appropriate setback would lead to a vehicle waiting in the carriageway or over the footway for a garage to open, infringing upon Policies 1 and 5 in the Hertfordshire Local Transport Plan (LTP4) and the National Planning Policy Framework (NPPF).

COMMENTS:

Context: Batchworth Lane is an unclassified local distributor road and is highway maintainable at public expense. A 30mph speed limit applies. It is classed as P2/M2 on HCC’s Place and Movement Network. The site also concerns a proposed access off Eastbury Road. Eastbury Road is an unclassified local distributor road subject to a 30mph speed limit and is highway maintainable at public expense. It is classed as P2/M1 on the Place and Movement Network.

Proposal: Demolition of existing dwelling and shed and construction of two storey detached dwelling including basement level with swimming pool and accommodation in the roofspace served by rear dormer window and front/side/rear rooflights, side solar panels with associated heatpump, access, bin and bike store, parking and landscaping works and vehicle cross over

Site History: (Application no. 23/0395/FUL) (Demolition of existing dwelling and construction of replacement dwelling with creation of new access onto Eastbury Road) was previously refused by the highway authority on 25th April 2023. The original highway arrangement was the same as the proposals included within this application (two vehicular accesses). The applicant subsequently submitted amended plans omitting the front Vehicle Crossover (VXO) access (resulting in a single access point on Eastbury Road) and the original refusal from HCC Highways was overturned. The LPA refused the grant of permission for the application on 16th June 2023.

Highway Impact:

Secondary vehicular access: The existing site arrangement enjoys 2no. vehicular access forming a carriage driveway. This arrangement allows vehicles to enter and exit the site in one forward movement. This is the only way in which an additional access is considered acceptable according to

Hertfordshire County Council Residential Dropped Kerb Terms and Conditions. The application proposes to create an additional access from Eastbury Road into the site whilst

removing the existing Eastbury Road access that forms the existing carriage driveway. The proposed additional access would create two separate parking areas at the site, this would be considered excessive and an unnecessary secondary access will create additional disruption to the footway for pedestrians, as well as prioritising vehicle movements from the site, infringing upon policies 1 and 5 of HCC Local Transport Plan (LTP4).

Garage Setback: The proposals include the provision of new vehicular access gates off the Batchworth Lane vehicle crossover access. As stated within The Place and Movement Planning and Design Guide, vehicular gates must be set back a minimum of 6m with inward opening gates. This is to ensure that gates do not overhang the highway and vehicles do not block the footway or carriageway whilst waiting for a garage door to be opened. This arrangement is unacceptable as a vehicle waiting here would interrupt the free flow of pedestrians, infringing upon policy 1 of LTP4.

Conclusion: HCC as the highway authority deems the proposals as having an unacceptable impact on the safe operation of the surrounding highway. The proposals interfere with pedestrian movements along Batchworth Lane and Eastbury Road which is contrary to the road user hierarchy outlined in LTP4 Policy - therefore HCC as the highway authority recommends refusal."

4.1.2 Batchworth Community Council – [Objection, called into committee]

Previous application 22/1745/FUL which was withdrawn. 23/0395/FUL was refused with the decision notice citing two reasons for refusal which we feel have not been fully addressed.

BCC's comments on both previous applications remain applicable to this current application 24/1614/FUL which should also be refused. This remains as an overdevelopment of a small corner plot, which will be detrimental to and overwhelm the existing street scene. It will neither enhance nor conserve the character of the area. All existing trees will be removed and the resulting change in the water demand will also impact on the SUD plans. The plans for coverage of 75% of the plot and subsequent excavations will involve the removal of huge amounts of spoil, impacting on traffic movements during construction, creating stress and nuisance to neighbouring residents for many months during construction.

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

4.1.3 Thames Water – No objection, condition recommended.

"Waste Comments

The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission. "No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) and piling layout plan including all Thames Water wastewater assets, the local topography and clearance between the face of the pile to the face of a pipe has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement and piling layout plan. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure. Please read our guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes> Should you require further information please contact

Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167, 168 & 169 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/help/home-improvements/how-to-connect-to-a-sewer/sewer-connection-design>

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Swimming Pools - Where the proposal includes a swimming pool, Thames Water requests that the following conditions are adhered to with regard to the emptying of swimming pools

into a public sewer to prevent the risk of flooding or surcharging: - 1. The pool to be emptied overnight and in dry periods. 2. The discharge rate is controlled such that it does not exceed a flow rate of 5 litres/ second into the public sewer network.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant."

4.1.4 Hertfordshire County Council – Lead Local Flood Authority – No response received at time of drafting report. Comments once received will be verbally updated.

4.1.5 National Grid – No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 13. No of responses received: 5 (objections).

4.2.2 Summary of responses:

- Overdevelopment.
- Not in keeping with local area.
- Huge excavation and disruption resulting from the build.
- Removal of substantial foliage and green landscape.
- Big flooding problem. Significant increase in surface water runoff.
- Construction of a very large swimming pool will adversely affect the amenity of the area and quality of life for neighbours.
- Very modern appearance not in keeping with 1930s dwellings.
- The basement walls need to be fully engineer designed and supervised to ensure that ground losses are minimised and not cause problems to adjacent properties.
- There will be 150 lorry loads of spoil. That amount of traffic will need restrictions to not interfere with traffic. Traffic management proposals need to be produced.
- Houses in the vicinity have subsidence. Tree excavation may cause movement.

4.2.3 Site Notice: Not required.

4.2.4 Press notice: Not required.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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).

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.

The Environment Act 2021.

6.2 Planning Policy and Guidance

National Planning Policy Framework and National Planning Practice Guidance

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”.

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

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 DM1, DM4, DM6, DM8, DM9, DM13 and Appendices 2 and 5.

Other

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

7 Planning Analysis

7.1 Overview

- 7.1.1 This application follows a series of refused and withdrawn planning applications. Most recently, application 23/1875/FUL sought planning permission for a similar form of development and was refused on character grounds by the Planning Committee on 29th May 2024 for the following reason:

The proposed replacement dwelling, by reason of the large amount of glazing to the front gable, and the increase in height on this prominent corner plot would result in a development which does not respect the character of the area and would have an adverse impact on the street scene. The proposal would therefore 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 LDD (adopted July 2013) and the NPPF (2023).

7.1.2 The reason for refusal particularly identifies concerns with a) large amount of glazing to the front gable and b) the increase in height on a prominent corner plot.

7.1.3 Since the refused planning application (23/1875/FUL), the following changes have been made and put forward within this committee application:

- Crown roof ridge height lowered by 0.7m, from 9.9m as refused to 9.2m as proposed.
- Traditional design added into the central panel of the front gable (previously refused contained clear glazing).
- Omission of rear annex/garage building.
- Retention of the existing front vehicular to Batchworth Lane (previously refused scheme proposed a narrower width).
- Increased set back position of rear gates to 6m.

7.1.4 The remaining elements of the proposal presented within this report are the same as the previously refused application (23/1875/FUL). It is noteworthy that the proposed ridge height is no higher than the existing ridge line.

7.2 Principle of Development

7.2.1 The application site does not lie within a conservation area and the building is not a Listed or Locally Important Building. As such, there are no overriding policy requirements to retain the existing dwelling. Therefore, the demolition of the existing dwelling is principally considered acceptable, subject to a suitable replacement in accordance with relevant local and national planning policies.

7.3 Design and Impact on Character and Appearance of the host dwelling and wider streetscene.

7.3.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 of the Core Strategy states that development should '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'.

7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials.

7.3.3 As set out in Appendix 2, new development should not be excessively prominent in relation to adjacent properties or general street scene and should not result in a loss of light to the windows of neighbouring properties nor allow for overlooking.

7.3.4 Appendix 2 also guides, to avoid a terracing effect and maintain appropriate spacing between properties in character with the locality, stating that development at the first-floor level should be set in from flank boundaries by a minimum of 1.2 metres. This distance may be increased in low-density areas or where the development would have an adverse impact

on an adjoining property. Two-storey front extensions will be assessed on their individual merits but should not result in loss of light to windows of a neighbouring property nor be excessively prominent in the street scene. Appendix 2 of the DMP LDD also sets out that with regards to single-storey rear extensions the maximum depth generally considered acceptable to detached dwellings is 4 metres. This distance may be reduced if the extension would adversely affect the adjoining properties or is unduly prominent. In relation to roofs, increases to ridge height will be assessed on their own merits at the time of a planning application. Crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing. As such, they are generally discouraged and more traditional pitched roofs are generally favoured.

- 7.3.5 The new dwelling would be materially larger than the existing dwelling due to its overall scale. The new dwelling would also have a greater footprint (approx. 188 sqm excluding basement footprint) compared with the existing (approx. 99 sqm). However, the new dwelling would be located centrally within the plot and set off both boundaries. At the ground and first floors, it would be some 1.4m to the closest boundary point with no. 22 and 2.2m from the corner boundary point with Eastbury Road. The position of the new dwelling in relation to the flank boundaries would not be dissimilar to the spaces between other dwellings within the wider street, many of which have been extended and altered and are close to the boundary lines. It is therefore considered that the size of the dwelling and its position relative to the plot width and depth would not arise in a terracing effect between the properties, nor would it overwhelm the plot or appear cramped. It is recognised that the front entrance would be 1m forward of the existing front bay window however, for the most part, the new dwelling would also be no further forward than the existing dwelling and would be broadly in line with the immediate adjacent neighbours. In this position, it would also preserve the spacing between the proposed dwelling and the highway reflecting the distance maintained by neighbouring dwellings of a similar scale. Furthermore, the new dwelling would retain a large rear garden. It is also noteworthy that the basement, whilst large in scale, would not be apparent or visible from the wider street or any public vantage points. Therefore, the new dwelling would not appear disproportionate to the application site or wider street, nor would it amount to the overdevelopment of the site.
- 7.3.6 The proposed dwelling would hold a footprint which would noticeably exceed the depth of the existing footprint which has a maximum depth of 11.2m. Compared with the guidance within Appendix 2 which indicates that 4m is generally the maximum depth considered acceptable for single-storey rear extensions, the single-storey element of the replacement dwelling would hold a depth of the equivalent of some 6.1m beyond the existing two-storey rear wall (4.8m from the existing single storey rear extension) Similarly, the first floor of the replacement dwelling would hold a maximum depth of 14m, 4.6m deeper in the plot than the existing dwelling. It is noted that the first floor would be stepped in on the eastern side, set in 2.8m from the eastern flank boundary and as such would extend part way across the rear elevation. Although greater than the existing dwelling, the replacement dwelling would be of appropriate proportions similar to other developments within the wider street, including Nos. 19, 21, 23, and 24 which are within the immediate vicinity of the application site. The proportions are the same as those of the previously refused application. Furthermore, some of the impact of the dwelling, including its bulk and massing, would be alleviated by its ridge height which would be no higher than the existing dwelling (and therefore reduced compared to the previously refused scheme). It is recognised that the roof would be a crown roof which is not favoured. Notwithstanding this, there are several examples of crown roofs within the area including Nos. 21, 23 and 24 within the immediate context of the application site. When accounting for this variety, the inclusion of a crown roof on the replacement dwelling would not be justification for refusal.
- 7.3.7 In terms of design, the replacement dwelling would be of a more modern design than the existing, emphasised by its rendered finish, roof lights, glazing/window profiles and solar panels. Whilst differing in its appearance from most dwellings, it would retain some traditional features such as the front gable projection, plain tiles and some brickwork which

are characteristic of the wider street, reflecting the features of many dwellings. It is also recognised that there are other examples of more modern dwellings such as Nos. 19, 21, 23, and 24. As noted above, the amount of glazing to the front gable has been reduced, with the introduction of a brick panel in the proposal, which further reflects the more traditional features of the design. Given this, and with the acknowledgement that there is some scope for variation within the street, it is therefore considered that the external finish of the dwelling would not amount to detrimental harm to the overall character and appearance of the street.

- 7.3.8 It is recognised that a rear driveway, accessible from Eastbury Road, would be unique to the application site given its corner plot positioning. Notwithstanding this, the driveway access would be read within the immediate street of Eastbury Road. When considering the variety of driveway extents and access along Eastbury Road, the proposed driveway extent would not be wholly out of character. Furthermore, the application plot is of a width and depth which could accommodate a driveway of this size. Furthermore, the front access off Batchworth Lane would be retained.
- 7.3.9 Objections comments raise concern that the proposal would amount to overdevelopment and would not be in keeping with the character and appearance of the street. These comments are noted, and it is recognised the replacement dwelling would be materially larger than the existing dwelling. However, for the reasons given within this report it is the view of Officers that the proposal would not amount to overdevelopment nor would it be of an inappropriate scale or design in the context of the immediate vicinity and wider street scene.
- 7.3.10 It is noteworthy that this scheme has changed from the refused planning application (23/1875/FUL). Key reasons for refusing the previous application included the a) large amount of glazing to the front gable and b) the increase in height on a prominent corner plot. It is important to note that the proposed replacement dwelling within this application would be no higher than the existing dwelling (ie lower than the dwelling previously proposed). Furthermore, the proposed front gable includes a mixture of brick, render and glazing, adding some additional detail. These alterations are considered to have overcome the previous refusal reason. In addition, the rear outbuilding/garage is not included within this scheme which reduces the overall built form at the application site.
- 7.3.11 To secure the material types and design, including colours, as indicated on the plans it is considered reasonable and necessary to secure these by condition.
- 7.3.12 Overall, it is considered that the proposed replacement dwelling would be acceptable and that the previous reason for refusal has been overcome. The proposal would be 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).

7.4 Impact on the amenities of neighbours

- 7.4.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.4.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. The Design Criteria states that rear extensions should not intrude into a 45-degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property.

- 7.4.3 Policy DM9 refers to contamination and pollution control. DM9(d) stated that planning permission will not be granted for development which:
- i) Has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development*
 - ii) Has an unacceptable adverse impact on countryside areas of tranquillity which are important for wildlife and countryside recreation; or*
 - iii) Would be subject to unacceptable noise levels or disturbance from existing noise sources whether irregular or not.*
- 7.4.4 The replacement dwelling would be materially larger than the existing dwelling across two stories. Furthermore, the boundary trees/vegetation that provide screening to the site is proposed to be removed and replaced. As such, there would likely be a perceived sense of increased mass. Despite this, the replacement dwelling would be positioned centrally within the plot and set off each boundary. The spacing between the neighbours would be maintained at an appropriate distance (being 1.4m from the boundary with No.22). Furthermore, No.22 has extended to the rear and the replacement dwelling would not intrude the 45-degree splay line when drawn from a point on the shared boundary which indicates that there may be no significant loss of light. This footprint of the replacement dwelling and the relationship with this neighbour remains unchanged from the previous planning application (23/1875/FUL) whereby no concerns were raised regarding the relationship between the replacement dwelling and this neighbour.
- 7.4.5 Although indicative of loss of light, the 45-degree splay line does not account for overbearing or un-neighbourly development. The submitted plans indicate that the ground floor of the replacement dwelling would extend some 4.3m beyond the rear of this neighbour with the first floor being some 4m beyond this neighbour's two-storey rear wall. Whilst this would be a noticeable increase of mass, this neighbour is set in from the boundary line. The replacement dwelling would also be set off the boundary by 1.4 and the rear part of the first floor would be stepped in, set 2.8m from the east flank wall. Furthermore, the dwelling would have a ridge height no greater than the existing one. These factors would mitigate some of the perceived bulk and mass. As such, it is considered that the replacement dwelling would not amount to adverse harm as experienced by this neighbour.
- 7.4.6 Due to the separation distance of No.18 to the west, which is set adjacent to the site on the other side of Eastbury Road, there would be no adverse harm to this neighbour by way of intrusion or loss of light, nor would the replacement dwelling be overbearing.
- 7.4.7 Regarding privacy, the replacement dwelling would have glazing across the front, flank and rear elevations which would primarily have an outlook over the application site. The first-floor flank windows are indicated to be obscurely glazed which would prevent any unacceptable overlooking to No.22. In any instance, a condition would be necessary to secure that these windows be obscurely glazed and top-level opening only. Similarly, given that flank roof lights are proposed, their height above 1.7m from the internal floor level would be necessary to secure by condition to prevent any unacceptable overlooking to No.22 and the submitted plans show that they would exceed this height. Given the separation distance and intervening highway between the replacement dwelling and No.18 it would not be necessary to secure the obscurely and height of the western flank windows.
- 7.4.8 It is noted that the first-floor rear windows, serving the master bedroom and bedroom 2 would be large and located above the flat roof. It is considered necessary to ensure that the rear ground floor roof would not be used as a balcony and access is provided for maintenance only, this would be secured by condition.
- 7.4.9 The proposal also includes a rear patio, set in line with the rear of the dwelling and stepping down to the rear garden. Due to the rear land level changes, which reduce towards the

south, the rear raised patio is considered appropriate to serve the dwelling. However, to ensure that no unacceptable overlooking would arise, details of the patio including a suitable privacy screen along its depth would be necessary to be secured by condition.

- 7.4.10 Two air source heat pumps would be located to the rear of the raised patio, located along the western boundary line (adjacent to Eastbury Road), detached from the new dwelling. The ASHPs would be of a limited scale and would not give rise to any intrusion from its built form. It would also largely be screened from view given it would be located on the western side of the site, set away from the No.22 which is located to the east. The specification documents set out that the ASHP would have an operational noise level of 67 dBA which is comparable to the sound of a normal conversation. This is considered acceptable during the daytime hours however, some concern is raised that this would exceed ambient noise levels at night which could be a disruption to the closest neighbour (no.22). It is recognised some of this impact would be mitigated by the positioning of the ASHPs however, a mitigation strategy would be necessary to ensure that any sound level would not arise in harm. To ensure compliance with Policy DM9(i), it is considered reasonable and necessary to secure noise mitigation/soundproofing by condition prior to the first use of the ASHP to ensure that there would be no noise disruption to the adjacent neighbour. Given the positioning of the ASHPs relative to No.18, it is not considered to have a harmful impact on this neighbour.
- 7.4.11 Overall, subject to conditions, the proposal would accord with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM9 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.5 Rear Garden Amenity Space Provision

- 7.5.1 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.
- 7.5.2 The application site would result in the retention of approximately 200 sqm which would be sufficient for the replacement dwelling future occupiers.

7.6 Trees and Landscaping

- 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 application site is not located within the Conservation Area nor are there any protected trees on or near the site.
- 7.6.3 The proposed block plan indicates that the rear garden would be lawned with a patio area abutting the dwelling, and landscaping to the front of the dwelling. It is acknowledged that below part of the rear lawn area would be an attenuation tank required due to the surface water flooding issues in the immediate area. Hardstanding is proposed to the rear of the site, providing parking. The proposed layout is considered appropriate within the context of the area. Whilst it is noted that the existing trees along the boundaries would be removed as part of the proposed development, replacement planting is proposed to the rear along the boundaries of the site, and it is noted that the existing trees are overgrown, and given the proposed replacement planting, it is not considered that the removal of these trees would result in harm in this regard. Given the amount of development proposed at the site, a landscaping condition is proposed to enable further details of proposed soft landscaping to be provided for approval before works take place.

7.7 Sustainability

- 7.7.1 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.
- 7.7.2 This application is accompanied by an energy statement prepared by Wires & Wireless Ltd which confirms that the proposed development would exceed the 5% saving set out within Part L (Total saving of 73%). As such the development complies with the requirements of Policy DM4. The submitted energy report set out that this would be achieved with the building fabric as well as air source heat pumps and solar panels. These features are included within proposed plan number 21048 FP4 01.02 REV A and 21048 FP4 01.11.
- 7.7.3 Notwithstanding this, to secure that the energy requirement is met, it is necessary to secure compliance by condition.

7.8 Flood Risk

- 7.8.1 Policy DM8 of the Development Management Policies document outlines that 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. Where practicable existing flooding risks should be reduced.
- 7.8.2 The application site is within Flood Risk Zone 1, in respect of flood risk from river, the lowest risk zone. However, the site is in an area at high risk of surface water flooding, with the Lead Local Flood Authority (LLFA) and Environment Agency maps specifically identifying a flooding flow path passing through the rear garden of the site. Given the amount of development proposed, including the creation of basement accommodation and other landscaping changes, despite not being a statutory consultee the LPA have consulted with the LLFA to seek their comments on the proposed development. A Flood Risk Assessment and Drainage Strategy (Aval Consulting Group, October 2024) have been submitted with this application.
- 7.8.3 The Flood Risk Assessment and Drainage strategy report sets out that a new surface water system would be introduced using storage crates. Surface water flows would be controlled via restricted discharge in conjunction with surface water attenuation on site to mitigate against flood risk. This would ensure the development will not increase flood risk elsewhere. Flood resistance and flood mitigation measures are proposed within paragraph 6.10 – 6.19 of the report. These include alterations to the ground levels to provide additional compensatory flood storage capacity, measures to prevent pollution of groundwater/surface water during construction, and the use of construction methods to reduce the chance of any flooding causing structure damage.
- 7.8.4 Thames Water have commented on the proposal and suggested that a piling method statement condition be added to any grant of planning permission. It is also advised that the basement development may require a groundwater risk management permit from Thames Water. Thames Water have provided the applicant with further advice which are necessary to include as informatives.
- 7.8.5 The previous application was accompanied by a Flood Risk Assessment, and the LLFA requested further information. The LPA considered at that time that as no specific problems or shortcomings were identified by the LLFA, that the additional information could be secured by planning condition. Comments from the LLFA are awaited, however the flood risk strategy appears to be similar in principle to that considered as part of the previous planning application, with the use of on-site water storage and measures to restrict water discharge rates. The approach taken as part of the previous planning application is

considered to remain relevant, and therefore it is considered reasonable and necessary to grant planning permission subject to a condition securing details of a surface water drainage scheme to ensure that the final building is designed in a way which considers the constraint resulting from the surface water flow and puts in place sufficient measures to mitigate against any adverse impacts.

7.9 Highways, Access and Parking

7.9.1 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 and dictates that dwellings with four or more bedrooms should provide three off-street parking spaces.

7.9.2 The proposed dwelling would have five bedrooms and as such would require 3 spaces. This application incorporates one parking space to the front, accessible off Batchworth Lane and two parking spaces to the rear of the proposed replacement dwelling on hardstanding, accessible from Eastbury Road. This would accord with the guidance within Appendix 5.

7.9.3 Objection comments from the Highway Officer have been received, raising concerns with the secondary vehicular access and positioning of the rear gates. The Highway Officer considers that two vehicle crossovers would create two separate parking areas at the site which would result in additional disruption to footway pedestrians and is considered excessive. Furthermore, the gates should be set 6m into the site to prevent vehicular hang over onto the footway.

7.9.4 In this case, amended plans received during the application re-positioned the gates to be an inward opening and set 6m back from the footway of Eastbury Road, which would comply with the highway policy. As such, the gates would enable sufficient spacing for a vehicle to wait off the footway and avoid significant disruption. The Highway Officer considers that the secondary vehicle access would cause additional disruption to the highway. Whilst this is noted, it is recognised that the rear access would be onto Eastbury Road whilst the front access would be onto Batchworth Lane. It is considered that the two would unlikely be used in conjunction as to amount to a significant disruption. It is also noted that as existing the site benefits from one vehicular access onto both Batchworth Lane and Eastbury Avenue, and this application would retain that situation, albeit with the Eastbury Avenue access point relocated. Whilst the Highway Officer comments are noted, for these reasons, it is considered that the proposal would not amount to determine or significant harm to the highway network. Any permission for alterations to the dropped kerb would need to be sought from Hertfordshire County Council as Highway Authority, and any grant of planning permission does not imply or infer that works would be consented by the Highway Authority to revise the points of access.

7.9.5 It is noteworthy that as part of the previous planning application (23/1875/FUL) highways officers did not object to a vehicle crossover in the proposed rear positioning given that the previous proposal omitted the front vehicle access point off Batchworth Lane. Furthermore, highways officers did not raise objections to the position of the previously proposed rear garage which was set some 5.5m back from the highway. In this case, the amended plans have set back the gate positioning to 6m, in accordance with the highway policy.

7.9.6 Given the amount of excavation work that would be involved in this proposal, it is considered both reasonable and necessary to include a construction management plan condition to require details in respect of construction activities to be submitted to the LPA for approval before works take place.

7.10 Wildlife and 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 LDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application. The application is accompanied by a biodiversity checklist which states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of protected species within the immediate area that would necessitate further surveying work being undertaken.

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 self-build/custom development.

8 **Recommendation**

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

Time

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.

Plans

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 21048 FP4 01.01; 21048 FP4 01.02 REV A; 21048 FP4 01.03. 21048 FP4 01.04; 21048 FP4 01.05; 20148 FP4 01.06; 21048 FP4 01.07; 21048 FP4 01.08; 21048 FP4 01.09; 21048 FP4 01.10; 21048 FP4 01.11.

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, CP11 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM4, DM6, DM8, DM9, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

Surface Water Drainage Strategy

C3 Prior to the commencement of the development hereby permitted, a detailed surface water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory

Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability. The scheme should also provide details of the surface water modelling used, and evidence that appropriate resilience and resistance measures have been implemented to not have a detrimental impact on off-site flood risk, and should detail how the SUDS would function if located in an area of flood risk, along with any maintenance requirements. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied and permanently maintained as such thereafter.

Reason: This is a pre-commencement condition to prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

Piling Method Statement

- C4 Prior to any piling taking place on site, a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) and piling layout plan including all Thames Water wastewater assets, the local topography and clearance between the face of the pile to the face of a pipe shall be submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must thereafter be undertaken only in accordance with the terms of the approved piling method statement and piling layout plan.

Reason: This is a pre-commencement condition to ensure suitable protection is given to a strategic sewer in close proximity of the application site, given the extent of excavation works proposed in accordance with Policy DM8 of the Development Management Policies LDD (adopted July 2013).

Construction Management Plan

- C5 Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
- Construction vehicle numbers, type, routing;
 - Access arrangements to the site;
 - Traffic management requirements;
 - Construction and storage compounds (including areas designated for car parking, loading/unloading and turning areas);
 - Siting and details of wheel washing facilities;
 - Cleaning of site entrances, site tracks and the adjacent public highway;
 - Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;

Reason: This is a pre-commencement condition to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Hard and Soft Landscaping

- C6 Prior to the commencement of the development hereby permitted a scheme of hard and soft landscaping shall be submitted and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include the location of all existing trees and hedgerows affected by the proposed development, and details of those to be retained, together with a scheme detailing measures for their protection in the course of development. The scheme shall include details of size, species, planting heights, densities and positions of any proposed soft landscaping, and a specification of all hard landscaping including locations, materials and method of drainage.

All hard landscaping works required by the approved scheme shall be carried out and completed prior to the first occupation of the development hereby permitted.

All soft landscaping works required by the approved scheme shall be carried out 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 existing tree shown to be retained, or the proposed soft landscaping, are removed, die, 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 (ie November to March inclusive).

Reason: This is a pre-commencement condition that is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area. It is required to be a pre commencement condition to enable the LPA to assess in full the trees to be removed and the replacement landscaping requirement before any works take place, and to ensure trees to be retained are protected before any works commence 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).

External Material Details

- C7 Before any building operations above ground level hereby permitted are commenced, samples and details 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 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

Obscure first-floor flank windows

- C8 Before the first occupation of the replacement dwelling hereby permitted, the windows at first floor level in the eastern flank elevation (facing No.22) as shown on plan number 21048 FP4 01.11; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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

Rooflights

- C9 Before the first occupation of the replacement dwelling, the 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).

Energy Measures

- C10 Before the first occupation of the replacement dwelling, the energy saving and renewable energy measures detailed within the Energy Statement (Wires and Wireless) submitted as part of the application are incorporated into the approved development.

Reason: To ensure that the development meets the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and to ensure that the development makes as full a contribution to sustainable development as possible.

Vehicular Access

- C11 Before the first occupation of the replacement dwelling hereby permitted, the vehicular access onto Eastbury Road shall be completed and thereafter retained as shown on drawing number 21048 FP4 01.02 REV A in accordance with details/specifications to be submitted to and approved in writing by the Local Planning Authority in consultation with the highway authority. Prior to first use, appropriate arrangements shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To minimise danger, obstruction and inconvenience to highway users in the interests of safety in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013)

Privacy Screening

- C12 Before the first use of the rear patio hereby permitted, details of the privacy screen and fencing to be erected along the flanks of the patio for its entire depth (excluding steps down to garden area) at a height of 1.8m, as measured from the surface of the

rear patio shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted for approval shall include the design (i.e. solid nature) and/or obscurity level (if required) of the screen and fencing.

The privacy screen and fencing as agreed shall be erected prior to the first use of the raised patio in accordance with the approved details, and maintained as such thereafter in terms of its height, obscurity level, design and siting.

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).

Parking Spaces

C13 Before the first occupation of the replacement dwelling hereby permitted, the parking spaces shall be constructed in accordance with the approved plans in **Condition 2**. The parking spaces shall thereafter be kept permanently available for the use of residents and visitors to the site.

Reason: To ensure that adequate off-street parking and manoeuvring space is provided within the development so as not to prejudice the free flow of traffic and in the interests of highway safety on neighbouring highways in accordance with Policies CP1, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

Air Source Heat Pumps

C14 Before the first use of the air source heat pumps hereby permitted as shown on plan number 21048 FP4 01.02 REV A, details of measures for sound mitigation and/or soundproofing including elevations and specification of any enclosure, along with a technical report demonstrating their effectiveness at reducing impacts of noise from the equipment on the amenities of neighbours shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be carried out in accordance with the agreed details prior to the first use of the air source heat pump and shall be permanently retained for the duration of the use.

Reason: To ensure that the residential amenities of adjoining occupiers and of the area generally is protected and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and DM9 of the Development Management Policies LDD (adopted July 2013).

No Additional Openings

C15 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 flank 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).

Flat Roof Access

- C16 The rear “inverted flat roof” to the rear of ‘Master Bedroom 1’ and ‘Bedroom 02’ and shown on plan number 21048 FP4 01.03 shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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).

Permitted Development Right Removal

- C17 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

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

Class B - enlargement consisting of an addition to the roof

Class D - erection of a porch

Class E - provision of any building or enclosure

No development of any of the above classes shall be constructed or placed on any part of the land subject of this permission.

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and 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 £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 (cil@threerivers.gov.uk). 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:

{\b (a)} Making a Non-Material Amendment

{\b (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 applicant and/or their agent and the Local Planning Authority engaged in pre-application discussions which result in a form of development that 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>.

- 15 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-developerinformation/businesslicences/businesslicences.aspx> or by telephoning 0300 1234047.
- 16 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
- 17 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.
- 18 New or amended vehicle crossover access (section 184): Where works are required within the public highway to facilitate a new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission, requirements and for the work to be carried out on the applicant's behalf. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/changes-to-your-road/dropped-kerbs/dropped-kerbs.aspx> or by telephoning 0300 1234047.
- 19 If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed online via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section of Thames Water's website.

- I10 There are public sewers crossing or close to your development. If you are planning significant work near Thames Water's sewers, it is important that you minimise the risk of damage. Thames Water will need to check that your development does not limit repair or maintenance activities, or inhibit the services provided in any other way. The applicant is advised to read Thames Water's guide at <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>
- I11 The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.