

PLANNING COMMITTEE – 25 MAY 2023

PART I - DELEGATED

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

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

Ward: Moor Park & Eastbury
Case Officer: Tom Norris

Recommendation: That Planning Permission be Granted

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

1 Relevant Planning History

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to rear patio and construction of swimming pool; internal alterations and alterations to fenestration - 06.12.2022 - Withdrawn

2 Description of Application Site

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

3 Description of Proposed Development

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

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

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

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: Objection

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

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

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

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

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

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

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

4.1.2 Hertfordshire County Highways: No objection

Recommendation

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

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

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

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

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

Comments/Analysis

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

Description of Proposal

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

Parking and Access

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

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

Emergency Vehicle Access

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

Conclusion

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

4.1.3 Hertfordshire Ecology: No objection

Comments of 29.03.2023

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

Summary of advice:

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

Comments

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

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

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

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

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

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

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

Comments of 26.04.2023

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

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

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

4.1.4 Herts & Middlesex Wildlife Trust: Objection

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

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

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

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

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

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

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

4.1.5 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 5

4.2.2 Site Notice posted: 10.02.2023, expiry date: 03.03.2023

4.2.3 Press notice posted not required.

4.2.4 Responses received: 0

5 Reason for Delay

5.1 Engagement with applicant to amend drawings.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

6.2 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

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

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

The Three Rivers Local Development Plan

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

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

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

6.3 Other

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

7 Planning Analysis

7.1 Principle of Development

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

7.2 Impact on Character and Appearance

7.2.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.

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

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

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

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

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties. Two-storey development should not intrude the 45-degree splay line measured from a point on the shared boundary level with the rear wall of the dwelling.
- 7.3.2 The proposed two-storey side extension, and associated ridge height increase, would bring the built form of the application dwelling closer to the boundary with no.4. It is not considered that this element of the proposed development would result in harm to this neighbour in terms of a loss of light or overbearing impact to the front and rear outlook of this neighbouring property. The side extension would be set off the boundary 1.5m with this neighbour.
- 7.3.3 The proposed block plan indicates that the proposed development would result in an intrusion of some 1.8m of the 45-degree splay line from a point taken on the shared boundary with the adjoining neighbour at no.4. While this is factored into consideration, it is noted that this neighbour is spaced a significant distance, some 5.0m from the shared boundary. Appendix 2 states that the 45 degree principle is also dependent upon spacing and orientation of dwellings which can be given weight. As such it is not considered that the rear extensions would result in harm to this neighbour in terms of a loss of light or overbearing impact. This neighbour would also retain a wide rear outlook.
- 7.3.4 The proposed block plan indicates that the proposed development would adhere to the 45-degree splay line and would not intrude at first floor level from a point taken on the shared boundary with the adjoining neighbour at no.6. It is not therefore considered that the rear extensions would result in harm to this neighbour in terms of a loss of light or overbearing impact.
- 7.3.5 The proposed replacement dwelling would contain ground and first floor level glazing within its front and flank elevations and within the rear elevation there would be glazing up to loft level. The dwelling would contain rooflights and a glazed rear dormer window.
- 7.3.6 It is considered that the proposed windows would not provide a materially different front, rear or flank outlook to that which is achievable currently. The rear Juliet balconies at first floor level do not have a platform to walk out onto. The central balcony portion would be screened by the rear projecting elements to prevent direct views to neighbouring rear amenity gardens. It is acknowledged that the introduction of loft level rear glazing would provide an elevated rear outlook however it is not considered that this would be detrimentally harmful to neighbours either side. The dwelling does not have any adjoining neighbours to the rear. It is therefore not considered that the proposed development would give rise to harmful overlooking.
- 7.3.7 It is considered appropriate for the proposed flank windows and rooflights to be conditioned to be obscure glazed and top level opening only to prevent overlooking and a condition will be included on any permission granted stating this.
- 7.3.8 It is not considered that the proposed rear patio would result in overlooking to any adjoining neighbour given its height and profile from the current ground level. The patio also incorporates 1.8m high screening adjacent to no.4 which is not considered to result in a loss of light or overbearing impact. Given the separation gap between the application dwelling

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

7.3.9 It is not considered that any direct neighbour impact would occur as a result of the construction of the proposed steps to the frontage nor the proposed pool to the rear amenity garden.

7.3.10 The proposed development would therefore be acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.4 Highways & Parking

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

7.4.2 The application dwelling, as existing, contains four bedrooms and provides two off-street car parking spaces. There is therefore an existing shortfall of one parking space relative to the adopted car parking standards. The application dwelling as a result of the proposed development would still contain four bedrooms, representing no change to the existing car parking situation. It is further noted that there is on-street parking available on Ross Way. It is not considered that it would be justifiable to refuse planning permission on the parking shortfall of one space which is an existing situation. It is noted that the site frontage could be extended in future, whilst still retaining soft landscaping, should it be required.

7.4.3 It is acknowledged that the proposed construction of a pool would involve the excavation and transportation of large amounts of spoil from the site. It is considered appropriate to include a condition on any permission granted for a construction management plan for this aspect of the development.

7.4.4 The proposed development is therefore acceptable in accordance with Policy CP10 of the Core Strategy (adopted October 2011) and Policy DM13 and Appendix 5 of the Development Management Policies document (adopted July 2013).

7.5 Trees & Landscape

7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features.' Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.5.2 The application site does not contain any protected trees. The proposed development would not require the removal of any trees.

7.5.3 In summary, the proposed development is acceptable in accordance with Policy CP12 of the Core Strategy (2011) and Policy DM6 of the Development Management Policies LDD (2013).

7.6 Rear Garden Amenity Space

7.6.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.

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

7.7 Flood Risk & Drainage

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

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

7.8 Biodiversity

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

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

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

8 **Recommendation**

That PLANNING PERMISSION BE GRANTED subject to the following conditions:

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

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

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

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

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

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

Reason: In the interests of the visual amenity of the area in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Prior to the first occupation of the dwelling hereby permitted the first floor flank windows within the southern and northern flank elevations shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the rooms in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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

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

Reason: To safeguard the amenities of the occupiers of No.58 Nightingale Road in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C6 Works to construct the swimming pool, hereby permitted, shall not begin until full details of construction vehicle access, movements, collection hours, on-site parking arrangements for construction workers and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details shall be submitted in the form of a Construction Management Plan and the approved details shall be implemented throughout the construction programme.

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

Informatives

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.