

PLANNING COMMITTEE – 25 MAY 2023

PART I - DELEGATED

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

Parish: Batchworth Community Council.

Ward: Moor Park and Eastbury

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

Recommendation: That Planning Permission be granted.

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

UPDATE

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

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

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

The other sections of the report remain as previously published.

1 Relevant Planning History

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

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

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

2 Description of Application Site

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

3 Description of Proposed Development

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

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

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

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

4 Consultation

4.1 Statutory Consultation

4.1.1 Batchworth Community Council: [Objection]

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

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

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

BCC strongly objects to this application for the following reasons:

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

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

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

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

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

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

4.1.2 National Grid: No response received.

4.1.3 Conservation Officer: [No objection]

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

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

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

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

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

The property is located in the Moor Park Conservation Area.

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

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

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

4.1.4 Moor Park 1958 Limited: [Objection]

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

Our strong objections and related comments are as follows:-

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

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

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

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

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

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

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

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

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

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

inter alia:-

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

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

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

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

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

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

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

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

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

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

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

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6

4.2.2 No of responses received: 2 objections

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

4.2.4 Summary of Responses:

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

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

4.2.6 Summary of additional comments:

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

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

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

5 Reason for Delay

5.1 Not applicable.

6 Relevant Planning Policy, Guidance and Legislation

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

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

6.3 National Planning Policy Framework and National Planning Practice Guidance

In 2021 the new National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework".

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

6.4 The Three Rivers Local Development Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following

Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM13, Appendix 2 and Appendix 5.

6.5 Other

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

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

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

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

7 **Planning Analysis**

7.1 Impact on Character, Street Scene and Conservation Area

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD relates to residential development. It sets out that 'layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (eg hedges, walls, grass verges).
- 7.1.3 The NPPF gives great weight to the conservation of heritage assets and requires 'clear and convincing justification for any harm to or loss of significance and requires new development within Conservation Areas to enhance or better reveal their significance'. Policy DM3 of the Development Management Policies LDD relates to development in Conservation Areas and states that development will only be permitted if it is of 'a design and scale that preserves or enhances the character or appearance of the Conservation Area'. Policy DM3 of the LDD also outlines that demolition in a Conservation Area will only be supported if the structure to be demolished makes no material contribution to the special character or appearance of the area. The Moor Park Conservation Area Appraisal (adopted 2006) states that the bulk and massing of large extensions or replacement houses will also be considered in terms of consistency with the characteristic building form of the Conservation Area.
- 7.1.4 Appendix 2 of the Development Management Policies document states; '*oversized, unattractive and poorly sited additions can detract from the character and appearance of the original property and the general street scene*'. Applications for two storey side extensions should be set in from the boundary by 1.2m at first floor level. With regard to distances to the flank boundaries, the Moor Park Conservation Area Appraisal advises the following in order to retain the spacious character of the area:

A minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevations, subject to a distance of not less than 1.5m being kept clear between flank walls and plot boundaries.

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

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

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

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

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

7.2 Impact on Amenity of Neighbours

- 7.2.1 Policy CP12 of the Core Strategy states that the 'Council will expect all development proposals to protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and

Appendix 2 of the Development Management Policies LDD advises that development should not result in overlooking or a loss of light to neighbours.

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

7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision.

7.3.2 Over 980sqm of amenity space would be retained which would provide ample provision to serve the application dwelling

7.4 Wildlife and Biodiversity

7.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

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

7.4.3 A Biodiversity Checklist has been submitted with the application and indicates that there would be no impact to any protected species. However, as the development would affect the roof space, an informative shall be added reminding the applicant of what to do should bats be found during the course of the application.

7.5 Trees and Landscaping

7.5.1 Policy DM6 of the Development Management Policies LDD advises that 'development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standard.

7.5.2 The application site is located within a Conservation Area and as such all trees are protected. The proposed extensions would not be within close proximity to the significant Oak tree sited at the front of the application site. As such it is not considered that the proposal would not result in direct harm to any significant trees in this respect. However it is considered reasonable to require the submission of a tree protection plan to ensure the on-site trees are protected during construction.

7.6 Highways, Access and Parking

7.6.1 Core Strategy Policy CP10 sets out that development should make adequate provision for car and other vehicle parking and Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision.

7.6.2 The existing dwelling has 4 bedrooms and parking would be retained to the frontage for 3 cars. As such there would be no impact on the requirement for or provision of parking as a result of the proposal.

7.7 Flood Risk

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

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

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

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

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

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

8 Recommendation

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

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

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

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

Reason: For the avoidance of doubt, in the proper interests of planning and to safeguard the visual amenity of the Moor Park Conservation Area; in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (adopted October 2006).

- C3 No operations (including tree felling, pruning, demolition works, soil moving, temporary access construction, or any other operation involving the use of motorised vehicles or construction machinery) whatsoever shall commence on site in connection with the development hereby approved until the branch structure and trunks of all trees shown to be retained and all other trees not indicated as to be removed and their root systems have been protected from any damage during site works, in accordance with a scheme designed in accordance with BS5837:2012, to be submitted to and approved in writing by the Local Planning Authority.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained as approved until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).).

- C4 No development or other operation shall commence on site whatsoever until a Construction & Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. This Construction & Demolition Method Statement shall include details of how all existing walls (internally and externally) and roofslopes as shown on drawing numbers 5678 /PL003 Rev B and 5678 /PL004 Rev C to be retained (i.e. hatched in grey (marked as existing)) will be maintained in situ throughout the erection of the extensions hereby permitted with only those walls and roofslopes shown on the abovementioned drawings as proposed for demolition (as shown dashed in orange) to be removed.

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

Reason: This condition is a pre commencement condition to safeguard the Conservation Area, to ensure that premature demolition does not take place before adequate provision for development works in order that the visual amenities of the area are safeguarded in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013).

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

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

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

- C6 Before the first occupation of the extensions hereby permitted the window at first floor level in the south eastern flank elevation facing No.38; shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.

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

8.2 **Informatives:**

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

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

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

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

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is advised that paragraph 3.8 of the approved Moor Park Conservation Area Appraisal (2006) specifically seeks to protect underground water courses that may be impacted as a result of the construction (or extension) of basements within the Conservation Area. Consequently the applicant is requested to have careful regard to this matter and especially, in the carrying out of the development, to ensure that:-
 - (i) no surface water flooding will occur as a result of the basement construction and
 - (ii) that there will be no material harm to any underground water course(s) in the vicinity of the site as a result of the basement construction.
- 15 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

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

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

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

or an appropriately qualified and experienced ecologist.

(As an alternative to proceeding with caution, the applicant may wish to commission an ecological consultant before works start to determine whether or not bats are present).