

PLANNING COMMITTEE – 22 JUNE 2023

PART I - DELEGATED

6. **23/0657/RSP – Part Retrospective: Construction of two storey rear infill extension, replacement of existing roof form and provision of new roof form to accommodate accommodation in the roof space, increase in height of two storey side projection, installation of rear dormer windows, conversion of garage to habitable accommodation and alterations to fenestration detail, at 63 WOLSEY ROAD, MOOR PARK, NORTHWOOD, HERTS, HA6 2ER**

Parish: Batchworth Community Council
Expiry of Statutory Period: 28 June 2023

Ward: Moor Park and Eastbury
Case Officer: Claire Wilson

Recommendation: That Part Retrospective Planning Permission be granted.

Reason for consideration by the Committee: The application has been called in by Batchworth Community Council due to concerns regarding the impact of the alterations on the host dwelling and on the wider Moor Park Conservation Area.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RTL2HQFFGS00>

1 Relevant Planning

- 1.1 W/1727/57: House and garage.
- 1.2 8/336/83: Replacement study.
- 1.3 8/430/87/D3149: Bathroom.
- 1.4 99/01754/FUL: Two storey rear extension. Application permitted.
- 1.5 21/0064/FUL: Two storey rear extension and conversion of garage to habitable accommodation. Application withdrawn.
- 1.6 21/2750/FUL: Two storey rear infill extension, loft conversion including roof extension with rear dormers and rooflights. Application withdrawn.
- 1.7 22/0360/FUL: Two-storey rear extension, roof extension including construction of rear gables, insertion of rooflights and alterations to fenestration. Application refused for the following reason:
- The proposed introduction of multiple rear gables by reason of their design including modern glazing detailing and lack of articulation would be unsympathetic to the character and appearance of the existing dwelling thus failing to preserve or enhancing the character of the dwelling. The unsympathetic additions therefore further erode the contribution the house has to the Moor Park Conservation Area. Having regard to paragraph 202 of the NPPF the development would lead to less than substantial harm to the Moor Park Conservation Area. As no public benefits have been suggested to outweigh the harm to the Conservation Area, the proposal would be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies document, the Moor Park Conservation Area Appraisal (2006) and the NPPF (2021).*
- 1.8 22/1375/RSP: Part retrospective: Two storey rear infill extension, loft conversion including roof alterations and increase in height of existing two storey side projection, installation of

rooflights, conversion of garage to habitable accommodation and alterations to fenestration detail. Application refused for the following reason:

The proposed development by reason of its design and elevated bulk and massing at the rear would be unsympathetic to the character and appearance of the existing dwelling and would further erode the character of the dwelling to an unacceptable degree. Additionally, it has not been demonstrated that the majority of the existing dwelling would be retained as a result of the significant internal demolition proposed. Having regard to paragraph 196 of the NPPF the development would lead to less than substantial harm to the Moor Park Conservation Area. As no public benefits have been suggested to outweigh the harm to the Conservation Area, the proposal would be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies document, the Moor Park Conservation Area Appraisal (2006).

- 1.9 23/0083/RSP: Part Retrospective: Construction of two storey rear infill extension, removal of existing roof form and provision of new roof form to accommodate accommodation in the roof space, increase in height of two storey side projection, installation of front/rear dormer windows, conversion of garage to habitable accommodation, internal alterations and alterations to fenestration detail. Application refused for the following reason:

The removal of the roof and its unsympathetic replacement by virtue of its failure to replicate the original roof form including front gable feature on a like for like basis and the loss of the adjacent stepped roof form adversely affects the character and appearance of the dwelling, further eroding the legibility of the original dwelling which in turn would erode the contribution the dwelling plays towards the special character of the Moor Park Conservation Area. The adverse impacts identified result in less than substantial harm to the heritage asset. No public benefits are considered to exist to outweigh the harm. As a result, the roof replacement would be contrary to Policy CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (October 2006) and the NPPF (2021).

- 1.10 22/0133/COMP: Unauthorised works: Erection of two storey rear infill extension and removal of roof. Pending consideration.

2 Description of Application Site

- 2.1 The application site consists of an existing two storey detached dwelling located on the eastern side of Wolsey Road, within the Moor Park Conservation Area. The dwelling has been subject to recent works which have included the removal of the roof and the part construction of a rear extension. The Conservation Area is characterised by detached dwellings of varied architectural design, located on large plots with spacing between dwellings.
- 2.2 The existing host dwelling has been extensively altered from its original form as indicated on the plans dating from 1957. Due to previous extensions, the host dwelling had a stepped ridge height to the front elevation with varied roof forms present. There is an existing two storey front gabled projection with tile hanging in the roof form which is located centrally; and it appears that the dwelling has been historically extended towards the boundary with no.65 Wolsey Road. To the rear, the dwelling has been previously extended at two storey level which previously consisted of three separate projections across the rear elevation of the dwelling. The element adjacent to no.65 had a crown roof form, whilst the element adjacent to no.61 had a hipped roof form. These outer elements projected further rearwards than a central recessed element which also had a hipped roof form. Beyond the rear wall of the dwelling is a raised patio area. The boundaries of the site are screened by mature vegetation.
- 2.3 Located to the front of the dwelling is an existing paved carriage driveway with ample provision for off street car parking provision.

- 2.4 At the time of previous site visits, the two storey rear infill extension had been partially constructed. In addition, the roof form of the dwelling had already been removed. However, works had not commenced in relation to the provision of the new roof form.

3 Description of Proposed Development

- 3.1 This application seeks part retrospective planning permission for the construction of two storey rear infill extension, replacement of existing roof form and provision of new roof form to accommodate accommodation in the roof space, increase in height of two storey side projection, installation of rear dormer windows, conversion of garage to habitable accommodation, internal alterations and alterations to fenestration detail.
- 3.2 As the applicant has already removed the entire roof form of the dwelling including the former crown roof, a new roof form is proposed. The roof form over what is considered to be the original part of the dwelling would have a hipped roof form with a maximum height of 9m and thus no higher than that pre-existing. The central front gabled element would also be reinstated at the same height. The roof form in this location would be the same as that pre-existing. Over the remaining element of the dwelling, the applicant is proposing to erect a hipped roof form with a single ridge with a height of approximately 8.4m, set down 0.6m from the adjacent reinstated original roof. It is noted that a small crown roofed element would be created with a width of 1.1m and a depth of 2.3m.
- 3.3 To the rear, a two storey rear extension which has been partly constructed forms part of the extensions proposed. This two storey rear extension infills the recessed rear building line of the dwelling. The extension has a depth of 1m and a width of 3.6m, to bring the rear building line level with the line of the existing two storey projections. A new roof form would be constructed over the extended rear elevation, which would consist of two double hipped roofed elements; one of which would have a partial crown roof (as stated above).
- 3.4 To the rear, three dormer windows are proposed. These would have pitched roof forms with a width of 1.5m, a height of 1.5m and a depth of 1.5m. The plans indicate that the applicant would reinstate the pre-existing exposed eaves rafters. In addition, a new chimney is proposed which would be located to one side of the roof form.
- 3.5 The applicant is also proposing to internally convert the garage to habitable accommodation, however, the garage doors would be retained to the front elevation of the dwelling.
- 3.6 The changes made relative to the previous application are as follows:
- Roof form over the original part of the dwelling reinstated at the same pitch and at the same height as the pre-existing dwelling. In contrast, the previously refused application indicated that the roof form over the existing dwelling would have had a different pitch;
 - The roof form to the rear elevation has been altered.
 - The central gabled element is to be reinstated at the same height and pitch.
- 3.7 Amended plans have been received during the course of the application with the amendments as follows:
- Rear dormer window reduced in size to be similar to the other two dormer windows proposed.
 - The flank velux windows have been removed.
 - The garage door is indicated to be retained.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Moor Park 1958: [Objection]

The Directors of Moor Park (1958) Limited wish to register the strongest possible objections to the proposed development on the following basis.

1. The main issues with respect to the unauthorised works to the raising of the roof and alteration of the form of the roof have not been addressed, and the enhancement by the removal of the existence of a Crown roof that was cited by the Councils Conservation Consultants in the previous application, no longer is being proposed.

To quote from the Councils Conservation Consultant on the previous application which was refused: the proposed roof alterations to the original part of the dwelling, including alterations to the front projection, would not be supported from a Conservation perspective. There are concerns regarding the cumulative impact of such alterations. and

it is understood that the roof has been removed without consent; were the pre-existing roof form reinstated with a small extension of the ridge over where the Crown roof was, there would be potential for an acceptable scheme.

The potential for an acceptable scheme referred to over has not followed and a crown roof has now been reintroduced on the current proposal.

2. The dormer windows now being proposed on the rear elevation comprise alien features to the Conservation Area due to the roof form that is now being proposed for the dormers. The shallow roof pitches proposed are out of keeping with the roof pitches of the remainder of the roof of this property and create an alien feature which is also harmful to the character of the Conservation Area. It is noted that there is no indication as to the materials to be used for the dormer roofs, but if it is to roof tiles matching those used on the remainder of the roof, these should not be laid at the shallow pitch shown on the proposed drawings.

Due to the damage that would be caused to the Moor Park Conservation Area should permission be granted for the current proposal we respectfully request that permission is refused for this application.

It should be noted that Moor Park (1958) Ltd do not have an objection to the principle of the two storey rear infill extension, nor to the conversion of the garage to habitable accommodation.

4.1.2 Batchworth Community Council: Objection.

As all parties are aware this property has a long list of applications with now five alone in the past 18-24 months, two of which were withdrawn and three refused. The previous application was, by enlarge similar to the application prior and both were refused. This last application generated several local objections as well as those from MP58 & BCC & we "called in the application". That application (23/0083/RSP) also had the added complexity because the original roof, was removed from what is a pre-1958 property in a Conservation Area. This was undertaken during the consultation process of previous applications that were subsequently refused. This we have previously stated and continue to be of the opinion is unacceptable.

Throughout the sequence of events and applications being submitted BCC raised objections and comments. In addition, neighbours objected to that application and supported BCC's viewpoint and BCC also supported the objections & comments raised by Moor Park 58.

Most importantly were the reservations of the Conservation Officer in the past have largely agreed with all parties' comments and included the following.

'The proposed form and appearance of the extensions would detract from the character and appearance of the Conservation Area. The proposed gabled form makes no relation to the hipped form of the host dwelling, hipped roof forms are a key feature of the dwellings in the Moor Park Conservation Area so should not be undermined.

Furthermore, the overall design of the extensions does not relate to the architectural context of the area. The apex glazing appears overly modern, the placement of the fenestration appears at odds and the overall appearance is bland, lacking any detail or articulation in plan form. The existing extensions are considered unsympathetic by virtue of their scale but at least relate to the character of the dwelling. The proposed extension would not be an improvement and would further detract from the character and appearance of the host and wider area. The proposed extensions would be cumulatively harmful'.

The Conservation Officer added further negative points to this resulting in earlier applications being refused. At the time of writing, we are awaiting the Conservation Officers comment in respect of this particular application which we would appreciate the ability to comment upon once received.

Subsequent applications have largely been the same as those previously withdrawn and refused. BCC has also previously commented that at the time of earlier comments that worryingly work has commenced. This scenario was, in our opinion, to the detriment of the pre 1958 property in one of our (TRDC & BCC) Conservation Areas which we must protect.

Following the objections and comments received in respect of Application 22/1375/FUL and TRDC Planning Officers own review, the application was refused with the following decision stated.

The proposed development by reason of its design and elevated bulk and massing at the rear would be unsympathetic to the character and appearance of the existing dwelling and would further erode the character of the dwelling to an unacceptable degree. Additionally, it has not been demonstrated that the majority of the existing dwelling would be retained as a result of the significant internal demolition proposed. Having regard to paragraph 196 of the NPPF the development would lead to less than substantial harm to the Moor Park Conservation Area. As no public benefits have been suggested to outweigh the harm to the Conservation Area, the proposal would be contrary to Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies document, the Moor Park Conservation Area Appraisal (2006).

Furthermore, following the objections and comments received in respect of Application 23/0083/RSP and TRDC Planning Officers own review, the application was refused with the following decision stated:

The removal of the roof and its unsympathetic replacement by virtue of its failure to replicate the original roof form including front gable feature on a like for like basis and the loss of the adjacent stepped roof form adversely affects the character and appearance of the dwelling, further eroding the legibility of the original dwelling which in turn would erode the contribution the dwelling plays towards the special character of the Moor Park Conservation Area. The adverse impacts identified result in less than substantial harm to the heritage asset. No public benefits are considered to exist to outweigh the harm. As a result, the roof replacement would be contrary to Policy CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM3 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (October 2006) and the NPPF (2021).

Batchworth Community Council (BCC) are of the opinion that the current application still does not account for all the feedback, comments and most importantly decisions of the previous applicants. We further note that the subject property has an ongoing Enforcement Case, dating back to September of last year (22/0133/COMP), in respect of the

unauthorised works related to the erection of two storey rear infill extension and removal of roof.

BCC therefore object to this application for the following reasons:

1. The proposed & continual increase in the scale and in particular the bulk & massing of the roof is inappropriate for a Pre 1958 property and is visually determinantal to the properties that back onto this property.
2. It should be stated that this is clearly a Pre 1958 property and the deflection in the Heritage statement as when it was actually constructed is misleading.
3. Whilst acknowledging again that adjustments to the roof design have been incorporated, it does not remove the fact that the roof was removed without consent, and we are strongly of the opinion that it should be reinstated in its original form & design. This revised application does not do and is not a "like for like" replacement as indicated in the documentation.
4. We need to ensure that all the other changes to the design that were required as part of previous applications are included & enforced. This is essential to ensure that all parties adhere to TRDC's Planning policies and account for the clearly set out principles of the MPCA. Anything less is tantamount to allowing others to follow suit and damage our Conservation Area not just in Moor Park but throughout TRDC.
5. We note that as part of the current redesign & included in this application, as with the previous application, there are three large dormer windows to the rear of the property. Again, we are of the opinion that these are over dominant, unacceptable and need to be significantly reduced in scale and/or removed. These revisions are also needed to ensure that these windows do not have a negative effect on the privacy of the neighbours, which they currently, as designed, will.
6. BCC would request that officers ensure that any windows within the side elevations are of obscure glass and that all Velux windows are top opening roof lights.

With the works that have already been undertaken it continues to be important that we ensure that the applicant, their professional team and contractor(s) adhere to all regulations and consents when eventually granted. It is important that they do not undertake any further works that could be damaging to the existing property and in due course exceed what has been approved and demolish anything beyond what has been agreed and consented.

Added to this BCC would request that any future consent would have very strict parameters included within the decision to ensure that there is no straying from what has been approved.

As part of the previous planning applications the Conservation Officer (CO) set out detailed reasons for refusals. We look forward to reviewing the CO's comments in respect of this application.

We continue to seek TRDC Planning Officers support in the refusal of this application, the enforcement of an exact replacement (like for like) of the roof, to ensure that it matches the original removed roof and that it is ensured that any future applications are aligned with both TRDC planning policies and the MPCA.

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

4.1.3 Conservation Officer: [Objection].

The property is located in the Moor Park Conservation Area.

This application follows a recently refused application for a similar scheme (ref: 23/0083/RSP). The proposed roof alterations to the existing crown roof would be acceptable. The roof height over the original part of the dwelling would be maintained which is positive. However, there are concerns over the scale of the rear central dormer; it would be overly dominant and disproportionate to other dormers. Additionally, the rooflights to the side roof slopes would not be supported as they would likely be visible from the streetscene, contrary to advice set out in the area appraisal. The proposed fenestration to the W/C and coats area (former garage) appears at odds within the elevation. This is also not shown within the proposed streetscene. I recommend that this detail is amended to one central window to appear more consistent with the existing fenestration. Paragraphs 197c and 202 of the NPPF would be relevant.

Were the above recommendations adhered to there is potential for an acceptable scheme. Were amendments considered acceptable, I would recommend that they following conditions are attached:

- A schedule with clear photographs of the types and colour of the materials to be used in the external finishes shall be submitted to and approved in writing by the local planning authority prior to their first use on site.
- Details of proposed new windows, doors, eaves, verges and cills to be used by section and elevation at scales between 1:20 and 1:1 as appropriate shall be submitted to and approved in writing by the local planning authority prior to their first installation

Officer comments: Amended plans have been received which have reduced the size of the central rear dormer window and the velux windows to the flank roofslopes have been removed.

The applicant has also shown the garage doors to be retained, with the cloak room now proposed to be served by a flank window.

4.2 **Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 7

4.2.2 Responses received: 1 objection

4.2.3 Site Notice: Expiry: 26.05.2023

4.2.4 Press notice: Expiry 03.06.2023

4.2.5 Summary of responses:

- Strongly object to the development in particular the rear dormer windows;
- Result in overlooking due to the ground sloping down from Wolsey Road towards South Approach.
- Dispute statement in the Planning and Heritage Statement which states 'There would be no harm to the living conditions of any neighbours.'
- Dormer windows would be an invasion of privacy, detrimental to the enjoyment of gardens.
- The dormer windows are not in keeping with the overall style of the property, particularly with regard to the addition of large glazed area to the ground floor giving a disjointed appearance to the rear elevation;
- Why does the central dormer serving the bathroom require a larger window than those adjacent.

- Regarding the debate as to whether the house is a pre-1958 dwelling; it was approved to a pre-1958 design submitted for planning permission in 1957; that is a pre-1958 dwelling.

5 Reason for Delay

5.1 None.

6 Relevant Planning Policy, Guidance and Legislation

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 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 and Appendices 2 and 5.

6.5 Other

The Moor Park Conservation Area Appraisal (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 Demolition

7.1.1 Policy DM3 of the Development Management Policies LDD relates to Heritage Assets including development in Conservation Areas and advises the following in respect of demolition:

Within Conservation Areas permission for development involving demolition or substantial demolition will only be granted if it can be demonstrated that:

- i) The structure to be demolished makes no material contribution to the special character or appearance of the area; or,*
- ii) It can be demonstrated that the structure is wholly beyond repair or incapable of beneficial use; or*
- iii) It can be demonstrated that the removal of the structure and its subsequent replacement with a new building and/or open space would lead to the enhancement of the Conservation Area.*

7.1.2 The Moor Park Conservation Area also provides guidance on demolition and sets out that the 'Council will give high priority to retaining buildings which make a positive contribution to the character or appearance of a Conservation Area. As a guide, the Council will seek the retention of buildings on the estate erected up to 1958 when the original estate company was wound up'.

7.1.3 It appears from the planning history, that the dwelling located at no.63 Wolsey Road, was granted planning permission in 1957 and therefore *may* have been completed after 1958. However, it is clear from the 1957 plans, that the pre-existing dwelling had already been significantly altered beyond its original form. Notwithstanding this, it is acknowledged that the style of the pre-existing dwelling was reflective of the Arts and Crafts style which is typical of the wider Conservation Area. At the time of previous applications, the Conservation Officer has noted that although heavily extended to the rear which is not positive, the property contributes to the significance of the Conservation Area by virtue of its derivation and appearance.

7.1.4 As set out above, the entire roof form of the dwelling has been removed without the benefit of planning permission and it is acknowledged that significant concern has been raised by consultees with regard to this. In addition, concern was expressed at the time of application 22/1375/RSP with regard to the extent of demolition with officers noting the following:

'The proposed plans indicate that nearly all the internal walls, some of which would appear to be structural walls, would be removed, with minimal replacements. As a result of this, Officers hold concerns in respect of whether the majority of the external first floor walls would be structurally supported in the event of the grant of planning permission.'

7.1.5 Although it is acknowledged that as a whole, no.63 as pre-existing did contribute to the appearance of the Conservation Area, it is considered that the scale of the pre-existing roof

form did emphasise the significant alterations undertaken to the original host dwelling. Furthermore, the pre-existing roof form included a crown roof element which is a design element which is not in keeping with the Arts and Crafts style or reflective of the wider Conservation Area. It is also now an element highlighted to be unacceptable within the Moor Park Conservation Area Appraisal.

- 7.1.6 With regard to the extent of demolition, officer's central concern at the time of the previous application related to whether the majority of the first floor would be structurally supported given the extent of internal demolition. To date, a structural method statement has not been provided, however, the submitted plans indicate that the existing external walls have been retained, with the exception of the central recessed element. In the event of planning permission being granted, it is suggested that a condition be added requiring a Construction and Demolition Statement to be submitted within one month of the decision date to provide further detail on how the implementation would take place in accordance with the approved plans. Whilst it is acknowledged that internal fabric has been lost, it is not considered that these elements in themselves contributed to the significance of the heritage asset to justify refusal on this aspect alone, particularly given the retention of most of the external walls, as well as the existing fenestration detail. Further, the removal of internal walls would also not comprise development.
- 7.1.7 In summary, it is acknowledged that the pre-existing dwelling did make some contribution to the character and appearance of the Conservation Area. As such, the loss of original fabric is acknowledged to be contrary to Policy DM3 of the Development Management Policies LDD and the provisions of the Moor Park Conservation Area Appraisal. However, the following sections, shall discuss whether there are material considerations that weigh in favour of the grant of planning permission.
- 7.2 Impact on the character and heritage assets.
- 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. 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).
- 7.2.3 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.
- 7.2.4 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.

- 7.2.5 As already outlined, it is acknowledged that the pre-existing roof form was removed without the benefit of planning permission. It is also acknowledged that consultees have expressed that any new roof form should be reinstated as an exact like for like replacement to ensure that there would be no harm to the character and appearance of the Conservation Area. In addition, the previous reason for refusal relating to application 23/0883/RSP noted that the replacement roof form by virtue of its failure to replicate the original roof form including front gable feature on a like for like basis and the loss of the adjacent stepped roof form adversely affects the character and appearance of the dwelling and erodes the legibility of the host dwelling. In the case of the current application, officers acknowledge that the replacement roof form would not be an exact like for like replacement. However, one must consider the actual harm to the host dwelling and the wider Conservation Area as a result of the design now proposed and this shall be considered below.
- 7.2.6 The previously refused application proposed a new roof form which would have been no higher than the pre-existing roof form of the dwelling. However, at the time of application 23/0083/RSP, the roof form to be reinstated over what is deemed the original part of the dwelling would have been constructed at a different pitch which would have changed the character of the host dwelling. It was considered that these changes would have caused harm to the character of the original host dwelling and to the wider Conservation Area. In contrast, the current application does propose a like for like replacement over the original part of the dwelling with the roof being reinstated at the same pitch and height which ensures that the character of the host dwelling would be preserved. Likewise, the central front gabled element would also be reinstated, again ensuring that there would be no alteration to the character of the host dwelling in this regard.
- 7.2.7 The applicant is, however, not proposing to reinstate the double stepped ridge which previously existed to the side of the dwelling and importantly, is not an original part of the dwelling. The plans indicate a single roof slope set down from the ridge of the original part of the dwelling. This would continue to have a hipped roof form when viewed from the front elevation, which is in keeping with the traditional design styles which are prevalent within the Conservation Area. Furthermore, this would still be subordinate to the main ridge and would ensure that the legibility of the dwelling would be retained. Whilst it is acknowledged that this element would not be an 'like for like', given the roof form over what is deemed the original part of the dwelling would be reinstated, as would the central front gable, it is considered that the overall character of the dwelling and its legibility would be retained. The loss of the double pitch in itself would not result in significant harm to justify the refusal of the application. In addition, it is noted that the plans indicate the reinstatement of the exposed rafters at eaves level as well as a chimney which is also viewed positively. It is also noted that the proposed roof form has support from the Conservation Officer,
- 7.2.8 It is also noted that Moor Park 1958 have expressed concerns that a crown roof element would be reinstated which would be contrary to the Moor Park Conservation Area Appraisal. In response, the dwelling as pre-existing had a crown roof form which was larger in size to that currently proposed. The crown element as proposed would have a width of 1.2m and a depth of 2.3m and would not significantly add to the bulk and massing of the dwelling. Given the pre-existing site circumstances, it is considered that the proposed roof form preserves the character of the host dwelling and thus no objection is raised in this regard.
- 7.2.9 With regard to the rear, the applicant is proposing the provision of three dormer windows. Appendix 2 of the Development Management Policies LDD advises that dormer windows should be subordinate to the main roof form. They should be set down from the ridge, in from both sides and back from the wall. Concerns were raised by the Conservation Officer

in relation to the original plans as it was considered that the central dormer window was overly large and would have dominated the main roof form to an unacceptable degree. In response, the central dormer has been reduced such that it is similar in size to the dormer windows sited to either side. It is considered that these are subordinate additions which would not dominate the rear roof form. In addition, the two flank velux windows have been removed in accordance with the guidance within the Moor Park Conservation Appraisal.

- 7.2.10 During the course of the application, the Conservation Officer also raised concerns in relation to the fenestration detail within the converted garage. Amended plans have been received which indicate that a garage door would be retained in this element, further ensuring that the character of the host dwelling within the streetscene would be retained.
- 7.2.11 The Moor Park Conservation Area Appraisal also provides further guidance to protect the special character of the area. Paragraph 3.4 of the Appraisal sets out that 'buildings, including all outbuildings (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 proposed development would equate to a 16.5% plot coverage, thus exceeding the percentage increase set out in the Appraisal. However, no objection is raised in this regard, given that the main increase in size, relates to an infill rear extension and thus would not encroach further into the plot. In addition, the proposed development would not encroach any further towards the side boundaries, therefore there would be no erosion of space towards the boundaries of the site.
- 7.2.12 To ensure that the appearance of the dwelling is retained, the Conservation Officer has requested details of the proposed materials and fenestration detail to be submitted.
- 7.2.13 In summary, the proposed plans indicate that the roof form over the original part of the dwelling would be replicated with the same maximum ridge height and at the same pitch. In addition, the central gable element would be reinstated which is viewed positively and ensures the dwelling continues to contribute to the wider character of the Conservation Area. Whilst the double stepped element to the side of the dwelling would not be reinstated, this element would still be subordinate to the main ridge and along with the other amendments made, ensures that the legibility of the host dwelling is retained. The plans include the reinstatement of the exposed eaves rafters, a chimney and would reduce the extent of the pre-existing crown roof. These elements would further benefit the proposal. It is therefore considered that the development would, on balance, having regard to the pre-existing dwelling preserve the character and appearance of the host dwelling and wider Conservation Area and thus it would be acceptable and in accordance with Policy CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the provisions of the Moor Park Conservation Area Appraisal (2006).

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.
- 7.3.2 The proposed new roof form would have a ridge height no higher than the maximum height of the pre-existing roof form. The roof form would be retained as hipped to the flank elevations which would minimise the overall bulk and massing of the dwelling and the impact to both neighbouring dwellings.

- 7.3.3 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. With regard to two storey extensions, Appendix of the Development Management Polices LDD advises the following:

Rear extensions should not intrude into a 45 degree splay line drawn across the rear garden from a point on the joint boundary, level with the rear wall of the adjacent property. This principle is dependent on the spacing and relative positions of the dwellings and consideration will also be given to the juxtaposition of properties, land levels and the position of windows and extensions on neighbouring properties.

- 7.3.4 The development includes a two storey rear extension which is located centrally, effectively infilling the central recessed building line of the existing dwelling and not projecting beyond the existing rear most building line of the dwelling. It is noted that the proposals would introduce a double hipped roof form across the rear elevation which would have a higher ridge in comparison to the design of the existing extensions to the rear. However, given there would be no increase in depth of the dwelling, and the roof form would be hipped, again minimising the overall bulk and massing, it is not considered that there would be an increased impact relative to the existing situation. There is no intrusion of the 45 degree line in accordance with the above guidance.

- 7.3.5 It is noted that an objection has been received with regard to overlooking from the rear dormer windows. With regard to overlooking, Appendix 2 of the Development Management Policies LDD advises the following:

Distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved between the faces of single or two storey buildings backing onto each other or in other circumstances where privacy needs to be achieved. Distances should be greater between buildings in excess of two storeys (especially dwellings/flats) with elevations which directly face one another or in situations where there are site level differences involved.

- 7.3.6 The concerns raised by neighbours are acknowledged, however the back to back distance between no.63 Wolsey Road and the properties in South Approach exceeds 50m, and therefore this is significantly in excess of the 28m set out in Appendix 2 even when accounting for level differences. Whilst the extensions would be visible from South Approach, the distance between the properties would prevent development from being unduly overbearing or prominent, and would prevent significant harm in terms of overlooking. Furthermore, it is noted that the central rear dormer window has been reduced in size during the course of the application. Whilst the dormer windows would also provide some outlook to the dwellings immediately adjacent on Wolsey Road, it is not considered that these would result in increased harm as to what is already experienced as a result of first floor windows.

- 7.3.7 With regard to fenestration alterations including the addition of ground floor flank windows facing no.61, no objection is raised given the nature of the windows as located at ground floor and being set in from the boundary.

- 7.3.8 There would be no harm to neighbours opposite the site. 7.3.9 In summary, given the existing site circumstances, it is not considered that the proposed development would result in significant harm to the residential amenities of neighbouring dwellings and thus no objections are raised.

- 7.3.9 The development is viewed to be in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.4 Highways & Parking

7.4.1 Policy CP10 of the Core Strategy requires development to demonstrate that it will provide a safe and adequate means of access. Policy DM13 and Appendix 5 of the Development Management Policies LDD relates to car parking provision, advising that a dwelling with four or more bedrooms should have three off street car parking spaces

7.4.2 In this case, no alterations are proposed to the existing vehicular access. With regard to car parking, it is acknowledged that the garage would be converted to habitable accommodation. However, the dwelling has an existing carriage driveway with provision for three car parking spaces and thus no objection is raised in this regard.

7.5 Rear Garden Amenity Space.

7.5.1 The proposed development would result in the provision of a six bedroom dwelling. Appendix 2 of the Development Management Policies LDD requires a dwelling of this size to have an amenity space of 147 square metres. The rear garden has an area exceeding 500square metres which is considered to be sufficient for a dwelling of this size.

7.6 Trees & Landscape

7.6.1 Policy DM6 of the Development Management Policies LDD relates to trees and landscaping. It advises the following: Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.

7.6.2 The proposed extensions to the dwelling are located centrally, with the elements adjacent to the boundaries of the site remaining of the same depth as existing. Given the existing circumstances, it is unlikely that the development would result in harm to any significant trees on the site. Whilst there are trees located in close proximity to the development, it is not considered that the development would result in significant harm and thus no objection is raised in this regard.

7.7 Biodiversity

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

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

7.7.3 The application has been submitted with a Biodiversity Checklist which specifies that no protected species would be adversely affected by the development; this was also specified in previous applications prior to the removal of the roof form. At the time of previous applications, no objection was raised with regard to the impact on protected species, and this is also considered to be the case at the current time.

8 Recommendation

8.1 That **PART RETROSPECTIVE PLANNING PERMISSION BE GRANTED** and has effect from the date on which the development is carried out and is subject to the following conditions:

- C1 The parts of the development not yet begun, shall be begun before the expiration of three years from the date of this permission.

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

- C2 The development hereby permitted shall be carried out in accordance with the following approved plans:

TRDC 001 (Location Plan), 02, 03, 04, 05, 06, 07, 08, 09, 10 (25.05.2023), 11 (25.05.2023), 12 (25.05.2023), 13 (25.05.2023), 14 (25.05.2023), 15 (23.05.2023), 16 (23.05.2023).

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

- C3 Prior to any further construction works on site, a Construction and Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority.

The Construction & Demolition Method Statement shall include details of how all existing walls (internally and externally) and the mono pitched roof form of the single storey garage projection as shown on the approved drawing numbers will be maintained throughout the erection of the extensions hereby permitted with only those walls as proposed for demolition to be removed.

The Construction and Demolition Method Statement shall also include a contract for the implementation of the works of redevelopment of the site (including submission of the construction drawings).

All works shall be undertaken in accordance with the approved Construction Method Statement.

Reason: To safeguard the Conservation Area, to ensure that premature demolition does not take place 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)

- C4 Prior to any further construction works on site, samples and details of the proposed external materials including details of the proposed windows 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).

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

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

8.2 Informatives

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

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

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

Community Infrastructure Levy (CIL) - 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 applicant engaged in the pre-application process and amendments were made in response to previous objections raised. In addition, 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.