

## PLANNING COMMITTEE – 13 July 2023

**23/0581/FUL - Construction of part single, part two storey rear extension; basement infill; garage conversion and terrace balconies; alterations to roof including increase in ridge height; alterations to fenestration and associated internal alterations at 111 WOLSEY ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2EB.**

Parish: Batchworth Community Council  
Expiry of Statutory Period: 07 June 2023  
Extension of Time: 31 July 2023

Ward: Moor Park and Eastbury  
Case Officer: Clara Loveland

**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 reasons stated at paragraph 4.1.2 below.

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=RSOI38QFN1B00>

### 1 Relevant Planning History

- 1.1 02/00287/FUL - Front porch. Permitted, not implemented.
- 1.2 00/01592/FUL - Two storey side and single storey rear extension. Permitted and implemented.
- 1.3 00/00740/FUL - Single storey side and rear extension with room in roof space. Permitted and implemented.
- 1.4 00/00376/FUL - 2 storey side, single storey rear extension and conservatory. Refused for the following reason:  
  
*The proposed two storey side extension would result in a dwelling that occupies 81.7% of the plot width at the front building line. The proposal therefore exceeds the 80% limit on such developments set out in the local planning authority's adopted Supplementary Planning Guidance for Moor Park and would have an adverse effect on the character and appearance of the Conservation Area through the increase in the built-up frontage of the site.*
- 1.5 99/01745/CAC - Partial demolition of property in preparation for two storey extension, loft conversion, patio with basement below. Approved.
- 1.6 8/1291/88 - Single storey side and rear extension, two storey side extension and porch. Permitted, not implemented.
- 1.7 8/604/88 - Ground floor, side, rear extension and first floor side extension. Refused.
- 1.8 8/115/82 - Double garage. Permitted.
- 1.9 8/66/82 - Two storey rear extension. Permitted and implemented.
- 1.10 8/712/81 – Erection of double garage. Permitted.
- 1.11 8/713/81 - Two storey rear extension. Refused.

## **2. Description of Application Site**

- 2.1 The application site comprises a pre-1958 two storey detached dwelling located on the eastern side of Wolsey Road, Moor Park.
- 2.2 The application dwelling has been significantly extended and altered from its original form. It has varying ridges and is characterised to the front by several original hipped two storey projections with a cat-slide roof and front dormer. To the side there is a further catslide roof form with hipped roofed dormers at first floor level. The roof is finished in brown tiles and the dwelling has a white rendered exterior. The windows are traditional in design and have glazing bars within the front elevation.
- 2.3 At the rear the dwelling is stepped and has a three-storey appearance due to the drop in land levels. There is a large two storey gabled projection, forward of a hipped projection and a two-storey extension with a crown roof. There is a raised terrace with canopy cover. There are also steps providing access to the patio and a large area of garden laid to lawn. The rear garden is enclosed by a mixture of mature vegetation.
- 2.4 The frontage of the property has a carriage driveway enclosed by a retaining wall and metal piers.
- 2.5 Wolsey Road is characterised by large, detached dwellings that are architecturally varied in style and design, within sizable plots, set back from the highway with relatively open frontages and extensive areas of soft landscaping.
- 2.6 In terms of policy designations, the application site falls within the Moor Park Conservation Area.

## **3. Description of Proposed Development**

- 3.1 This application seeks planning permission for the construction of part single, part two storey rear extension; basement infill; garage conversion, and terrace balconies; alterations to roof including increase in ridge height; alterations to fenestration and associated internal alterations.
- 3.2 The proposed part single, part two storey rear extension (at ground and first floor levels) would have a depth of 4.5m and would extend 10.7m in width to adjoin the flank of the existing two storey rear projection and would be flush with the northern flank wall. At first floor it would extend 6m in width and would have a gabled roof form with a ridge height of 7.4m (measured from the rear basement level) and would be the same height as the existing two storey gable. The single storey element would have a flat roof which would be used as an external deck / balcony area at first floor level with a height of 4.2m (measured from the rear basement level). This balcony would be served by a 1m high balustrade, set back from the existing gabled projection by 1.5m.
- 3.3 The first floor of the dwelling would also extend centrally (serving a new lounge) by a depth of 1.7m, a width of 4.5m and would be set flush with the rear wall of the proposed two storey rear extension.
- 3.4 The existing basement (viewed as the ground floor at the rear) would be infilled by a depth of 3.8m and width of 4m. The basement ground level would be lowered by 0.7m, from 0.6m to 1.3m (below the lower ground floor). The basement would also extended 1m in depth so that it would be flush with the rear wall of the existing two storey gable end.
- 3.5 The existing garage would be converted into a gym/study. The existing garage door would be replaced by front windows.
- 3.6 The existing rear raised terrace at ground floor level would increase by a depth of 1m and would have a width of 12.3m. It would project a depth of 1.6m beyond the proposed ground

floor extension. The steps to the northern side would lower to ground level across a depth of 2.5m. It would have a 1m height railing along its rear width.

- 3.7 The original ridge line of the dwelling (left hand side when viewing the dwelling from Wolsey Road) would be raised by 1m, from 7.6m to 8.6m reducing the width ridge to 3.6m. The existing ridge on the set down two storey side extension (right hand side when viewing the dwelling from Wolsey Road) would also be raised by 1.4m (from 6.9m to 8.3m).
- 3.8 Fenestration would be altered to the flanks and rear elevations. There would be new fenestration within the flank elevations at ground and first floor levels.
- 3.9 The extensions would be finished in render and clay roof tiles to match the existing dwelling.
- 3.10 Amended plans were received during this application which omitted the front porch glazing and new entrance, , omitted the first floor central flat floor with a hipped roof, removed the flat roof from the existing gable projection, altered the garage fenestration and the , existing basement has now been shown.

## **4. Consultation**

### **4.1 Statutory Consultation**

4.1.1 Landscape Officer: Verbal comments sought, no objection.

- *Tree protection method statement required as a dischargeable condition.*

4.1.2 Batchworth Community Council: [Objection, called into planning committee]

*Batchworth Community Council (BCC) have reviewed this application in detail having also accounted for & reviewed the submitted documents including Pre-App document.*

*BCC has several objections to this application as follows:*

*1. This is a Pre 1958 Property and needs to be preserved & protected. Any proposed and agreed works must ensure that they follow the MPCAA. With this being a Pre 1958 Property, a careful review is required in respect of the proposed removal of any existing walls, with the retention of any significant features being part of any approval. This is to ensure that the character of the building is retained.*

*2. In the same respect, as and when or if, a planning consent is granted, strong and appropriate wording should be included within the decision notification to ensure that no walls due to be retained as part of the consented scheme are demolished during the construction period. We raise this as it has arisen at other properties within the Moor Park Conservation Area in the past 12 months.*

*3. The overall scale & bulk of the application & the redevelopment of this site is excessive and without question is an overdevelopment of the site. We are of the opinion that the entire proposal needs to be scaled back considerably.*

*4. Alongside our comments below the increase in the ridge height by as much as 1.5 metres will have a negative effect on the street scene, Conservation Area and do not comply with the MPCAA.*

*5. In addition, the overall proposed size and scale of the planned roof is excessive and unacceptable. The comments in this respect within the Pre-App have not been accounted for and all these aspects will affect the street scene and will have a negative effect on the Conservation Area.*

6. *The existing property is already substantial, and any works should ensure that they do not result in the property exceeding the 15% plot ratio as set out in the MPCAA.*

7. *The proposed window design and balconies to the rear level should be refused as they fall outside the TRDC Planning guidelines and MPCAA.*

8. *In addition to the balcony, which will affect the privacy of the adjoining properties / neighbours, we are of the opinion that the rear windows will also have a negative effect in the same way and need to be amended.*

9. *Any windows on the side elevations must contain obscured glass finish to the windows. Additionally, all the Velux Windows should be top opening only, and none should be visible from the front of the property.*

*BCC is of the opinion that the current application is not acceptable and needs to be refused with amendments made to account for the points raised in the Pre-App by TRDC Officers and the Conservation Officer and the comments raised by both MP58 & BCC. We would also like to reserve the opportunity to comment further once TRDC are in receipt of the Conservation Officers comments.*

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

#### 4.1.3 Conservation Officer: [Objection]

*The property is located in the Moor Park Conservation Area.*

*There would be no objection to the basement infill, garage conversion and terrace balconies. The existing fenestration appears to be modern, and its replacement would be acceptable subject to conditions.*

*The proposal to extend the property to the rear raises no principle objections. However, there are concerns regarding the proposal to increase the ridge height of the existing dwelling. The increase in ridge height would result in the roof appearing disproportionate to the host dwelling and the streetscene. The proposal would also result in the loss of the chimney which is a key architectural feature of the conservation area. However, it is acknowledged that the increase in ridge height would rationalise the existing roof form and result in a traditional duo pitched roof. It is also noted that the ridge and eaves height of the proposed extension would relate to the neighbouring properties. Taking this into consideration, the proposal would result in 'less than substantial' at the lowest end of the scale. From a conservation perspective there is a preference to retain the existing ridge height as this would preserve the character and appearance of the conservation area.*

#### 4.1.4 Moor Park 1958: [Objection]

*The Directors of Moor Park (1958) Limited wish to raise the following points with respect to Application 23/0581/FUL.*

1. *TRDC provided an Advice Note with respect to 22/2019/PREAPP. In this Advice Note it stated that certain information should be submitted with any application which was to be made. This included the provision of an Arboricultural Report and a Flood Risk Assessment. Neither of these documents have been provided. Nor has a materials schedule as was requested.*

2. *Concerns were raised, particularly by the Conservation Officer with respect to the fact that "... the proposal would neither preserve or enhance the dwelling or wider Conservation Area" and also "... the extent of glazing proposed given its extensive coverage and modern appearance." The drawings submitted with the application for consideration*

do not seem to have addressed the observations made by the Conservation Officer particularly with respect to the glazing, either with respect to its extent or its character.

Accordingly, the Directors of Moor Park (1958) Limited wish to register their objection to the proposed development on the following basis.

1. Insufficient information has been submitted with the application to enable it to be properly determined. Information set out that would be needed to be included with any application in the Pre-Application Advice has not been provided.

2. The advice given by the Conservation Officer with respect to the extent and nature of the glazing has been ignored and we object to the proposed glazing both to its extent and style and agree with the Conservation Officers comment.

3. Whilst we note the comments made by Clara Loveland in her Pre-Application Advice Note dated the 27<sup>th</sup> February 2023 concerning the roof alterations in respect of the flat roofs, it should be noted that these flat roofs are, as referred to in the Heritage Statement, principally Crown roofs and are not visible from the road or in the Street Scene. The raising of the original ridge height of the dwelling would have a detrimental impact on the Conservation Area by the loss of proportion of the roof in relation to the elevations of building to the eaves height and introduce a more dominant proportion of roof covering when viewed in the Street Scene. The matter of the roof and increased ridge height also needs to be assessed in respect of your Council's recent refusal of application 23/0083/RSP, in March this year (and application 22/1375/RSP previously) nearby, at 63 Wolsey Road. In these applications the proposed alterations to the roof were considered to adversely affect the character and appearance of the dwelling which in turn would erode the contribution the dwelling pays towards the special character of the Moor Park Conservation Area. If permission was to be granted for application 23/0581/FUL, then it would undermine these previous decisions made by your Council, as the same principle applies.

4. The provision of an additional window at first floor level overlooking the principal garden area of Number 109 is considered to be unneighbourly and, even if it were to be fixed shut with obscured glazing due to its position, would give a perceived impression by the occupiers of 109 of being overlooked when are using their principle rear garden area and patio area to the rear of their house.

5. It is considered that the proposed development with the increase in the ridge heights of the ridges running north to south is detrimental to the character of the Conservation Area and should be refused. The fenestration of the rear elevation (and also the addition of a first-floor flank window in the north elevation) are of great concern and are not compatible with the Conservation Area as supported by the Conservation officers previous comments.

We would however wish to point out that we do not have objections to the principle of the two storey rear extension and basement infill as shown on the submitted drawings and, as pointed out by the Planning Officer, if the applicant or their agents wish to approach us to discuss matters relating to this property (which they have not), we are of course prepared to discuss matters with them.

4.1.5 National Grid - No response received. Any response received will be verbally updated at Committee.

**4.2 Public/Neighbour Consultation**

4.3 Number originally consulted: 9.

4.4 Number of responses originally received: 1 objection.

4.5 Site Notice: Posted 23.04.23. Expired 16.05.23.

4.6 Press notice: Published 21.04.23. Expired 14.05.23.

4.7 Summary of Response(s):

- Large, bulky development near the rear garden of No.109.
- No.111 would extend further beyond the rear of No.109.
- Proposed extension would appear bulky, visibility apparent and have an overbearing impact on rear garden of No.109.
- Overbearing impact compounded by the land slopes downwards to the rear of No.109 (extension would appear taller from the garden).
- Overshadowing due to the orientation of the sun (No.109 located to the north).
- Country to Council Policies.
- Boundary trees could be lopped or removed which would further exacerbate the impact of the extension.
- Request for condition to be imposed requiring method statement to deal with dust from construction work along with working and delivery hours.

## 5. Reason for Delay

5.1 Committee cycle and amendments sought.

## 6. Relevant Planning Policy, Guidance and Legislation

### 6.1 Legislation

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

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

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

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

### 6.2 National Planning Policy Framework and National Planning Practice Guidance

On 20 July 2021 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2021 NPPF is clear that "existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework.

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

The 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.

### 6.3 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, DM9, DM13, Appendix 2, and Appendix 5.

### 6.4 Other

The Moor Park Conservation Area Appraisal (2006).

## 7. **Planning Analysis**

### 7.1 Overview

7.2 The application dwelling is a pre-1958 dwelling. However, its original character has been significantly eroded overtime by virtue of extensive extensions and unsympathetic alterations. These occurred prior to the introduction of the Moor Park Conservation Area Appraisal in 2006. The original house can be found to the left hand side when viewing the house from Wolsey Road and from the historic plans available to officers, comprised the two hipped roofed two storey projections, a central entrance door and side chimney. The extensions to the original house include a substantial two storey extension with first floor front dormers and integral garage, and a range of part single, part two storey and part three storey extensions at the rear, some of which comprise large crown roofs.

7.3 From public vantage points from Wolsey Road, the original house is still legible and has in parts retained some key traditional characteristics, but its overall character has been significantly diluted due to past extensions. Nevertheless, it is still considered that the dwelling contributes to the character and appearance of the Moor Park Conservation Area.

7.4 It is recognised that the main areas of contention are in respect of the increase in ridge heights and the scale of extensions proposed to the rear, having regard to existing additions to the original house. It is therefore necessary to consider whether the proposal as a whole preserves or enhances the character of the dwelling within the Moor Park Conservation Area.

### 7.5 Impact on Character, Street Scene and Conservation Area

7.6 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'.

- 7.7 Policy DM1 and Appendix 2 of the Development Management Policies Local Development Document (adopted July 2013) set out that development should not lead to a gradual deterioration in the quality of the built environment, have a significant impact on the visual amenities of the area and that extensions should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials. As set out Appendix 2, single storey rear extensions to detached dwellings should generally have a maximum depth of 4m. The Design Criteria states this distance may be reduced if the extension would adversely affect adjoining properties or is unduly prominent. Further guidance within Appendix 2 states that new development should not be excessively prominent in relation to adjacent properties or to the general street scene.
- 7.8 The application site is located within Moor Park Conservation Area, therefore, Policy DM3 of the Development Management Policies document is applicable. Policy DM3 sets out that within Conservation Areas, development will only be permitted if the proposal is of a scale and design that preserves or enhances the character and appearance of the area; uses building materials and finishes that are appropriate to the area; and results, where relevant, in the removal of unsympathetic features and the restoration or reinstatement of missing feature.
- 7.9 The Moor Park Conservation Appraisal (2006) sets out that all proposals for development shall be judged on their effect on the character, appearance and special interest of the conservation area as defined in the appraisal. Furthermore, construction in front of the existing building line is unacceptable. Also, buildings, including all outbuildings, should not cover more than 15% of the plot area.
- 7.10 In respect of the increase in ridge height, the Conservation Officer has commented it would result in the roof appearing disproportionate to the host dwelling and would result in the loss of the chimney which is an architectural feature of the Conservation Area. The proposed increase in the ridge heights, which would create more traditional roof forms would arguably further alter the original part of the dwelling and would, as stated by the Conservation Officer, result in a disproportionate addition given its increase and reduced ridge width. It is therefore accepted that the increase in ridge heights would, in isolation, weigh against the proposal. The Conservation Officer concludes that the increase in ridge would be at the lowest end of less than substantial harm.
- 7.11 However, as noted, the existing pre-1958 dwelling has been heavily extended and in some parts unsympathetically which has resulted in two large crown roofs. Whilst comments have been received stating that the crown roofs cannot be seen meaning their impact on the conservation area is reduced, they are not traditional roof forms and are out of character with the original dwelling and the conservation area. Furthermore, reference to the unacceptability of crown roofs is explicitly referred to within the Moor Park Conservation Appraisal at section 3.6 which states *"flat roofs or flat sections to a pitched roof reflect a form not in keeping with the traditional design of houses in Moor Park, and are therefore unacceptable"*.
- 7.12 The proposed increase in ridge heights to the dwelling would result in the removal of the two large crown roofs and, as stated by the Conservation Officer, would *"rationalise the existing roof form and result in a traditional duo pitched roof"*. Thus, the removal of the large crown roofs would weigh in favour of the scheme. As such, when considering the proposed works to roof forms collectively, it is considered that they combine to preserve the existing character of the dwelling and therefore ensuring that the dwelling still contributes to the character and appearance of the conservation area.



- 7.13 From a street screen perspective, whilst the dwelling would increase in height, the submitted street scene plan and as confirmed by the applicant's agent during this application (to be provided for committee), indicates that the raised ridge would remain below neighbour No.109 to the north and above No.113 to the south which would maintain the existing stepped ridge lines, respecting the existing character of the street. This is also noted by the Conservation Officer who commented that the ridge and eaves of the proposed extension would relate to the neighbouring properties.
- 7.14 In addition, the Conservation Officer raises that the loss of the chimney is a key architectural feature of the Conservation Area. The retention of the chimney is preferable. However, the chimney is currently engulfed by large extensions which diminishes the visual presence of the chimney to an extent that its loss would not, on balance, be harmful. It is also unclear if the chimney is original.
- 7.15 The proposed part single, part two storey rear extension would add bulk to an already heavily extended dwelling. However, it would primarily infill the existing stepped rear elevation and although large, would be set down from the ridge line by some 2.7m and would remain below the original ridge line. It would also mirror the design of the existing gable projection and would be read against the backdrop of the extended two-storey dwelling. There would also be limited views of it from the wider street. The part single, part two storey rear extension would not become a prominent feature within the wider street, nor would it be excessive as to dominate or overwhelm the existing, extended dwelling. The Conservation Officer also does not raise objections to the rear extensions.
- 7.16 No objection is held to the basement and terrace infill. These would be of minimal extent, and neither would project beyond the rear wall of the existing dwelling, nor would they be visible from public vantage points.
- 7.17 No objection is held to the first-floor rear balcony. This element would be contained centrally within the dwelling and would not be visible from the wider street. It should also be noted that the existing dwelling also has a central rear balcony of a similar extent.
- 7.18 No objection is held to the central first floor rear extension. This would be of minimal scale and would infill an existing recess. Whilst adding further built form to an already extended dwelling, its limited scale would mitigate against the massing of the dwelling. During the application amendments were sought which replaced the initially proposed flat roof with a hipped roof. Therefore, the amended scheme would also maintain a traditional roof form and would not be visible from the wider area. Subject to a condition securing a schedule of material to be provided for the design, no objection is raised.
- 7.19 No objection is held to the garage conversion which is within an extended part of the house. The garage door would be replaced with windows that would integrate in terms of design and scale with the existing dwelling.
- 7.20 The amended plans omitted the glazed porch and entrance doors from the proposal. The existing porch would remain as existing.
- 7.21 Objections have been raised regarding the design of the fenestration to the rear. The existing rear of the dwelling is modern with clear, wide and full height windows. The proposal initially increased the height of the windows with limited separation between each floor. However, the amended scheme has reduced their height with larger gaps between each floor. As the Conservation Officer comments, "*the existing fenestration appears to be modern, and its replacement would be acceptable subject to conditions*". As such, the new windows would preserve the character and appearance of the dwelling.
- 7.22 In terms of demolition, the submitted plans show that the dwelling would largely remain as existing. Whilst some internal walls and roofs will be removed, the majority will be replacing existing extensions and roofs.

- 7.23 Lastly, when applied to the guidelines within the Moor Park Appraisal, the proposed extensions would result in a plot coverage of 14.4%, below the recommended 15%. Additionally, the dwelling would not extend closer to the flank boundaries and thus will be acceptable in this regard.
- 7.24 In light of the above, it is recognised that the dwelling has been heavily extended from its original form with the introduction of harmful and untraditional features. The proposal seeks to remove large sections of crown roofs and rationalises the roof and rear of the dwelling through an increase in ridge heights and new extensions, the former of which would maintain the existing stepped arrangement with adjacent neighbours. When considering the proposed changes as a whole and on the basis that the house has already been heavily extended, the development would, on balance, preserve the character of the dwelling and would maintain its contribution to the character of the Moor Park Conservation Area. The development, subject to conditions, would accord with Policy CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1, DM3 and Appendix 2 of the Development Management Policies Document (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).
- 7.25 Impact on amenity of neighbours
- 7.26 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels of disposition of privacy, prospect, amenity and garden space'.
- 7.27 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in the loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties. Appendix 2 states that development should not incorporate balconies, or first floor conservatories which overlook neighbour properties to any degree.
- 7.28 Given the positioning of the single-storey rear extension, it would not adversely impact southern neighbour no.113. However, it would extend beyond the rear of neighbour No.109 to the north. This neighbour has also raised an objection to the proposal regarding visual prominence, overbearing, un-neighbourly and overshadowing. It is acknowledged that this neighbour is set forward of the application dwelling and the existing host dwelling extends beyond this neighbour. The single storey rear extension would extend beyond this neighbour a further 4.5m. Whilst extending further, this neighbour is set in from the boundary line and screened by mature vegetation which is protected by virtue of the conservation area. It should also be noted that the rear extension would be set in from the boundary line and would be set down from the ridge line. Given the stepped nature of the buildings, the extension would not arise in any additional overshadowing or intrusion from the private rear amenity zone close to the rear of No.109. It is therefore considered that the rear extension would not arise in any further harm on this neighbour than the existing development.
- 7.29 Subject to a condition to ensure all new first floor flank windows are obscurely glazed and top-level opening only, there would be no loss of privacy to any neighbour.
- 7.30 The basement infill and rear terrace would be of minimal extent and would not arise in any further harm than existing on any neighbour.
- 7.31 The central first floor rear balcony would be screened by both adjacent gable ends and therefore would not arise in any undue harm on any neighbour. It should be noted that there is an existing first floor rear balcony of a broadly similar scale.
- 7.32 The garage conversion would not arise in any adverse harm on any neighbour by way of intrusion or loss of privacy.

- 7.33 Although the ridge line would increase in height, this would remain lower than the height of adjacent neighbour No.109 such that it would not have an adverse impact on this neighbour by way of intrusion or loss of light or outlook. It is noted that part of the proposed ridge line would be higher than neighbour no.113. However, this would be set in form the boundary with the closest ridge at the same height as this neighbour. Furthermore, this neighbour is set to the south and when considering the orientation of the sun, this neighbour is within a favourable position when having regard to any loss of light. Additionally, the loss of the barn hip would reduce the bulk closest to this neighbour. Moreover, when viewed from each flank, the outlook is likely to enhance from the perspective of each neighbour because of the replacement of the flat roofs with a more traditional roof design.
- 7.34 The amended proposal, subject to a condition to secure obscure screening to flank first floor flank elevations would not arise in significant harm to adjacent neighbours and would accord with CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies Document (adopted July 2013).
- 7.35 Wildlife and Biodiversity
- 7.36 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.
- 7.37 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.
- 7.38 A Biodiversity Checklist was submitted with the application and states that no protected species or biodiversity interests will be affected as a result of the application. The Local Planning Authority is not aware of any records of bats (or other protected species) within the immediate area that would necessitate further surveying work being undertaken.
- 7.39 Trees and Landscaping
- 7.40 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.41 The application site contains several protected trees (TPO 0623) and is located within a Conservation Area where all the trees are protected. The applicant has not submitted any Arboricultural information or tree protection as part of this application. However, during the application the applicant's agent has confirmed that no trees are proposed to be removed.
- 7.42 The Landscape Officer was consulted during the application who has advised that the proposal would be contained within an area of existing built form which would not move closer to the protected trees. However, a tree protection method statement is required as a dischargeable condition to demonstrate how the works will be carried out and the existing trees on site will be protected.
- 7.43 Subject to this condition, there would be no adverse impact on the protected trees within the site.
- 7.44 Flood Risk

- 7.45 The rear part of the application site is within Flood Zones 2 and 3, however, this excludes the part of the site where the works are taking place.
- 7.46 The Moor Park Conservation Area Appraisal (2006) sets out that applications including a basement should be submitted with a flood risk assessment which details the effect of the proposal on any existing underground water courses.
- 7.47 This application proposes a basement infill however, no flood risk details have been submitted with this application. Nevertheless, there is an existing basement which at the rear appears as the ground floor. This means that there would be minimal excavation and the new basement extension would simply be built above the existing patio area and would be at the same internal floor level. As a result, when considering the siting of the flood zones and the nature of the basement works the extensions are considered acceptable from a flood risk perspective.

## 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: Proposed Plans: 5868PL001 REV B; 5868PL100 REV A; 5868 PL101 REV A; 5868 PL200 REV A; 5868 PL201 REV A; 5868 PLLP.

Reason: For the avoidance of doubt, in the proper interests of planning and residential amenity and to safeguard the character and appearance 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 (2006).

- C3 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

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 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, to protect the visual amenities of the trees, area 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 Before any building operations above ground level hereby permitted are commenced, a schedule of samples and details of the proposed external materials (inclusive but not limited to the roof tiles, windows and doors) 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), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal (2006).

- C5 Before the first occupation of the extensions hereby permitted, the windows in the first-floor flank elevations shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows shall be permanently retained in that condition thereafter.

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

## 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](mailto: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](http://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. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) 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 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 Applicants are 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](http://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).