

PLANNING COMMITTEE – 19 October 2023

23/0698/FUL - Demolition of existing conservatory, construction of single storey front extension and part single, part two storey side and rear extension, basement and front porch extension, loft extension including increase in ridge height, change of hipped roof to gable above front entrance, rear dormers, side rooflights, internal alterations and alterations to fenestration, landscaping alterations to the rear at 9 RUSSELL ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LJ.

Parish: Batchworth Community Council
Expiry of Statutory Period: 12 July 2023
Extension of time: 27 October 2023

Ward: Moor Park and Eastbury
Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: The application was called in by Batchworth Community Council due to concerns with overdevelopment and scale of extensions.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?keyVal=RTTMMDQFFJD00&activeTab=summary>

1 Relevant Planning History:

- 1.1 98/0424 - Erection of a replacement detached house - Permitted.
- 1.2 98/00996 - Alterations to previously approved Planning application 98/0424/8 -Erection of new house to include basement and rooms in roof space - Permitted and implemented.
- 1.3 02/00604/FUL - Amendment to planning application 98/0996/8: Chimney to side of dwelling, enlargement of conservatory and rear summerhouse – Refused.
- 1.4 04/0743/FUL - Levelling of rear garden - Permitted and implemented.
- 1.5 04/1055/FUL - Erection of a single storey rear extension (canopy) and chimney - Permitted and implemented.
- 1.6 04/1502/FUL - Retrospective Application: Rear decking - Permitted and implemented.
- 1.7 07/1541/FUL - Single storey detached outbuilding to rear - Withdrawn.
- 1.8 13/2138/FUL - Single storey front and rear extensions, first floor side extension, change of roof from hip to gable above front entrance, alterations to rear dormer windows, alterations to rear garden landscaping and construction of outdoor swimming pool. Approved, not implemented.
- 1.9 22/2320/FUL - Demolition of existing conservatory, single storey front and part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, change of hipped roof to gable above front entrance, rear dormers, side rooflights, alterations to fenestration, landscaping alterations to the rear and detached swimming pool. Withdrawn.

2 Description of Application Site

- 2.1 The application dwelling is a large late 1990s two storey detached dwelling located on the eastern side of Russell Road within the Moor Park Conservation Area.

- 2.2 Russell Road is a residential road characterised by large detached dwellings set within substantial plots. Dwellings are of varying styles and a number have been heavily extended and altered.
- 2.3 The application dwelling is a modern replacement dwelling with basement, finished in red brick and white render with Mock Tudor detailing. The dwelling has a central forward projecting hipped roof, hipped front dormers cut through the eaves, a pitched roofed porch canopy to the front, an attached double garage to the side and two chimneys. The dwelling has been previously extended through a single storey rear extension and there is a large area of raised decking to the rear of the dwelling.
- 2.4 The dwelling is set back approximately 16m from Russell Road and is at a slightly lower land level to the highway. To the front of the dwelling is a substantial block paved carriage driveway which provides parking for well in excess of three vehicles. The front boundary treatment is formed by dense evergreen hedging with the boundary treatment to the neighbouring properties formed by a variety of vegetation.
- 2.5 To the rear of the dwelling is a stepped raised decking area which steps down to a large area laid to lawn.
- 2.6 The neighbouring dwelling to the north, No. 7 Russell Road, is a two storey detached dwelling which is set on a slightly lower land level in relation to the host dwelling.
- 2.7 The neighbouring dwelling to the south at No. 11 is a two storey detached dwelling. This neighbouring dwelling has been partially demolished with the front wall still in situ. Planning permission has been granted at this property via Council reference 22/2123/RSP.

3 Description of Proposed Development

- 3.1 The proposed development seeks planning permission for the demolition of existing conservatory and first floor side extension and the construction of a single storey front and part single, part two storey rear extension, first floor side extension, loft conversion including increase in ridge height, change of hipped roof to gable above front entrance, rear dormers, alterations to fenestration and landscaping alterations to the rear.
- 3.2 To the front of the dwelling, the garage would be extended forward by 0.9m, to be in line with the existing forward most wall. This forward projection would comprise of a part hipped to crown roof which would have a maximum height of 3.7m and an eaves height of 2.5m. Above the garage, a first floor extension is proposed which would replace the existing first floor addition. The proposed extension would have a width of 4.8m and would have a total depth of 10.5m, set back 0.8m from the front wall and built flush with the existing rear wall and ground floor flank wall. It would have a hipped to crown roof form, set down 0.9m from the increased ridge height. Within the flank wall at first floor level, there would be two windows.
- 3.3 Elsewhere within the front elevation, it is also proposed to replace the hipped roof over the central two storey front projection with a gabled roof. There would be no change to the height, with the ridge of the new gable set down 1.6m from the increased ridge line of the main roof. Within the gable there would be glazing 2.4m wide and up to 3.4m high with the windows of similar design to the existing windows.
- 3.4 At ground floor level the rear extension would have a staggered rear building line with a maximum depth of 4.2m and width of 18.2m and a flat roof with a maximum height of 3.1m (measured from existing ground level). Four lantern style rooflights are proposed within the flat roof. There would be full height glazing across the majority of the rear elevation. In the flank of the extension facing 7 Russell Road there would be two windows and in the flank facing 11 Russell Road there would be full height windows.

3.5 The lower ground floor level would be extended rearwards by a maximum of 4.2m with the inclusion of a new sunken covered patio area (1.7m in depth by 6.4m in width). The roof of the lower ground floor would form a patio area at ground level. Privacy screens are proposed along the flanks of the patio area at ground floor level. These would have a height of 1.8m. Fenestration is also proposed to the rear elevation of the lower ground floor. There would be external steps either side provided access to the lower ground floor level.

3.6 The proposal includes an increase in ridge height by 0.5m to have a maximum overall height of 9.2m. It is also proposed to increase the width of the two existing rear dormers from 1.5m to 1.8m and to increase the height of each dormer by 0.15m. Windows would be inserted in the rear of each dormer. An additional rear dormer is proposed. This rear dormer would have a width of 1.8m, depth of 1.4m, and height of 1.2m. The pitched roof forms of existing rear dormers would be altered to a flat roof with a maximum height of 1.2m.

3.7 During the course of the current application, the following amendments have been made to the scheme:

- A set back at first floor level and roof level to the first floor side extension has been introduced.
- The existing rear dormers were amended from a pitched roof to a flat roof and the additional rear dormer amended to have a flat roof form.
- The neighbouring properties (indicative) are shown on the existing and proposed block plans.
- The roof form of the single storey rear extension has been reduced in height by 0.2m and has a flat roof form, and glazing has been reduced across the rear elevation of this element.
- The glazing to the flank roofslopes of the front projection have been omitted.
- The proposed flank rooflights have been omitted from the scheme.
- The forward most flank chimney stack above ground floor level has been retained.
- The proposed front porch has been omitted from the scheme and retained as existing.
- A long section across the site has been provided.
- Clarity given over extent of the demolition works.
- The depth of the proposed single storey rear extension has been reduced by 1m, from 5.2m in depth to 4.2m.
- The depth of the proposed lower ground floor level extension has been reduced in depth by 0.8m, from 5m to 4.2m.

3.8 It is noted that the current application follows the approval of a similar application in 2013 (now lapsed). The differences between the current application and that previously approved are as follows:

- The current proposal includes an increase in ridge height of 0.5m whereas the previously approved scheme proposed no increase in ridge height
- The single storey rear extension would be flat roofed instead of mono-pitched.
- The glazing to the rear elevation of the single storey rear extension has been reduced.
- The rooflights to the flank roofslopes have been omitted
- Privacy screening have been placed along the flanks.
- The forward most flank chimney stack has been retained whereas the previous scheme removed the flank chimneys.
- The previously approved scheme did not result in any additional dormers or alterations to the existing rear dormers. The current scheme alters the existing pitched roofed dormers to have a flat roof and includes an additional flat roofed dormer.
- The first floor side extension would be higher than the previously approved, with a smaller crown roof form.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Conservation Officer: [Objection]

The property is located in the Moor Park Conservation Area. It is understood that large extensions and alterations were permitted under application 13/2138/FUL and whilst some aspects of the scheme are not sympathetic to the conservation area, it forms the baseline from which this application is assessed. There remains a preference to amend the scale, form and appearance of the rear extension, as it does not respond well to the host dwelling. However, taking into consideration the previously permitted scheme, the proposed single storey extension would not result in any additional harm to the significance of the conservation area. Whilst it is proposed to increase the height of the dwelling, it would not appear disproportionate within the streetscene.

I acknowledge a large crown roof was permitted under the 2013 application. However, there is a strong preference for a traditional duo pitched roof form to preserve the character and appearance of the conservation area. The proposed side extension appears overly dominant and is larger in scale than the previously permitted extension. Furthermore, there is a preference for the dormers to relate to the form of the host dwelling.

Concerns regarding the fully glazed porch, glazed roof to the front projection and loss of the chimney have been addressed which is positive. Such amendments have gone some way to address previous concerns. Were the above recommendations adhered to, this would better preserve the character and appearance of the conservation area. Notwithstanding this, the proposal would not be any more harmful than that permitted under application 13/2138/FUL.

4.1.3 Moor Park 1958 Limited: [Objection]

The Directors of Moor Park (1958) Limited request that the nature of the application be clarified. The description of the application includes provision of a detached swimming pool, but no plans have been submitted with the application relating showing any swimming pool. It is also requested that it is made clear on the plans the difference between the building as it actually exists at present and what is to be demolished as opposed to incorporating aspects of the application 13/2138/FUL, which has not been implemented and do not exist, and accordingly cannot be demolished.

Despite the variation in the description of application 22/2302/FUL there are many similarities with the current application and accordingly the Directors of Moor Park (1958) wish that their objections submitted in February this year for this similar proposal be taken into account with respect to this latest application as the current application has not addressed any of the concerns raised in the earlier comments.

Officer note: Below is a copy of Moor Park 1958 Ltd's comments from the previous withdrawn application 22/2302/FUL for reference.

The Directors of Moor Park (1958) Limited wish to express the following **strongest possible objections** to the extent of plot coverage, and also a range of objections and related comments and material concerns in relation to other unacceptable and harmful aspects of the proposed development as set out below. On the matter of our first/primary objection (excessive plot coverage), we will also be seeking support for a call-in, unless officers are minded to refuse the application (including reference to the proposed extent of plot coverage) under delegated powers.

While we acknowledge that the planning application approved by the Council under reference 13/2138/FUL is a material planning consideration, albeit it long expired, the absence of any material change of planning policy or site circumstances are a material factor to form part of the assessment and determination of the application. Nonetheless, it is very clear that there are substantial changes to the scale, nature and details now incorporated in this revised application, that require fresh planning analysis and examination prior to its determination.

In light of these significant changes (compared to the 2013 scheme) our objections, concerns and comments are as follows:-

1. From our calculations, the proposed plot coverage **extends to approx 24%** (when solely taking account of the extended house) **and/or approx 30%**, when taking account of the extended house plus the extended excavated/"sunken" area that projects further into the plot beyond the rear of the lower ground floor. NOTE - the drawings also show additional substantial built development (in the form of a flight of steps) that project even further into the rear of this plot.

In the planning report into the 2013 approval, it states that the proposed plot coverage at that time comprising more modest rear extensions etc, was 18.9%.

In our own response to the 2013 application, when objecting to the circa 19% plot coverage, we stated that the:-

".....application seeks to take the coverage to 19% and on the above basis should be strongly resisted as this 'creeping' form of development (i.e. where one extension/new building adds incrementally to previous extensions/new buildings) is completely unacceptable, is demonstrably harmful to the character of the "heritage asset"/Conservation Area and is in direct contravention of one of the key criteria in the adopted Conservation Area Appraisal that is inherent in setting, enhancing and ultimately preserving that very character.....". In hindsight this is precisely what is happening again!

As the Council will be aware the maximum plot coverage as quoted in the adopted and approved Supplementary Planning Guidance – in the form of the MPCA, which seeks specifically to safeguard the character and openness of the plots within the designated Conservation Area, is 15%.

In the interests of maintaining and preserving one of the key aspects that defines the character and appearance of the Moor Park Conservation Area in terms of the openness and the generally low level of development on individual plots, we would ask that the Council has full regard to the provisions of para 3.4 of the MPCA in the assessment and determination of this application.

In our opinion, the proposed extent of plot coverage (at either 24%, or even more significantly at 30%) would materially harm and substantially detract from the open character of plots on the Moor Park estate and thereby fundamentally fails to preserve or enhance the wider character and appearance of the designated Conservation Area. Consequently, we would respectfully invite the Council to refuse the application on this issue.

If a scheme is eventually found to be more modest and potentially more acceptable (either in a substantially modified form within the current application or within a fresh, revised scheme), we would ask that the Council give full consideration to removing all relevant permitted development rights by condition.

2a. We submit that the increased height and scale of the first floor side extension as now shown in this latest application is clearly much more prominent and dominant than as shown in the scheme approved in 2013.

In light of this, we would ask the Council to carefully check the materially increased scale and bulk, and resultant impact in the street scene, in order to specifically ensure that it does not cause harm to, or detract from, the character and appearance of the Conservation Area along this section of the Russell Road frontage.

2b. In a similar vein, and also in regard to the visual impact and compatibility of this revised form of development in the Conservation Area street scene, we would also ask the Council to seek the advice of the Conservation Officer expert as to whether the design decision to now cover the projecting front gable feature with large expanses of “obscure glass”, is the most appropriate treatment in this Conservation Area location. This ‘feature’ was not included in the 2013 application/approval.

In our opinion, it is detrimental to, and materially out of keeping with, the inherent characteristics of the surrounding area street scene, and thereby fundamentally fails to preserve or enhance the character and appearance of the Conservation Area.

3. It is clear that the enlarged first floor extension, as now proposed, allows for an additional dormer window to be incorporated into the proposed rear elevation (compared to leaving the two existing rear dormers as they were as part of the 2013 approval).

We find it difficult to understand the rationale behind the design solution submitted in this application that shows a new, flat roof dormer sitting alongside the existing two attractive pitched-roof bonnet dormers in this elevation. It appears a jarring and discordant feature and hence we wish to raise our formal objections.

As the Council’s Conservation Officer recently concluded on another case in the Moor Park Conservation Area,

“.....it should also be noted, that whilst the rear elevation cannot be seen from the public domain this does not automatically equate to lack of harm and the alterations would be visible from the gardens of neighbouring dwellings which also sit within the conservation area”.

Finally, on the matter of the additional dormer, para 3.7 of the MPCAA also specifically stresses that *“rear dormers should not impair the privacy of neighbours”*. We would request that the Council also ensures that this aspect of the MPCAA is fully respected and specifically taken into account in the determination of the scheme.

4. We wish to express our material concerns over the large and unacceptably poor, featureless and “box-like” design of the proposed single storey rear extension, that measures approx 5m in depth and extends approx 18m across the full width of the dwelling. This equates to approx 95sqm of flat roof in a Conservation Area location.

The Council will be aware that para 3.6 of the MPCAA seeks to resist the construction of flat roofs within the estate on the clear and well established basis that they do not reflect the traditional style and design of the fully pitched roofs that are characteristic throughout the Moor Park Conservation Area.

We do not subscribe to any inferences that, simply because as an extension is “at the rear of the property”, then its design does not matter and/or can be overlooked and this directly chimes with the Council’s Conservation Officer expert as expressed in para 3 above.

This is a designated heritage asset/Conservation Area for a reason and therefore high quality design, that is commensurate with the overriding character and appearance of the area, must be applied in regard to all elevations. Failure to do so, as in this case, would result in a scheme that materially fails to preserve or enhance the character and appearance of the Conservation Area. As a result, we consider that the submitted application should also be refused on this basis.

5. We wish to express our concerns and potential objections to the two new velux windows in the north elevation. While two velux were shown in the north elevation in 2013, they were to some degree likely to be partly obscured by the new roof projecting slightly beneath them. However, in this latest scheme, they clearly now form part of the enlarged, more prominent roof itself.

The inclusion of such velux windows is contrary, in principle, to the provisions of para 3.10 of the MPCAA that states that velux rooflights are an “*incongruous feature*” in the Conservation Area and thence any visible from the street will not be acceptable.

Whilst it is not 100% clear if they are fully visible, or partially visible on the flank elevation, we would wish to register a formal objection if they are visible, or likely to be visible, from any public vantage point.

Hence on this basis we submit that they should either be removed from the scheme prior to its determination, or the application refused on the grounds of the material harm that such incongruous roof features have upon the character and appearance in the designated Conservation Area

6. The Council will be aware of the heightened level of awareness and scrutiny that is now associated with the construction (or extension/enlargement) of **basements** within the Moor Park Conservation Area. As you will be aware, this initially arose in April/May 2020 as a result of a scheme involving the construction of a basement elsewhere within the estate (at 17 Sandy Lodge Road) and again more recently, indeed currently, at 36 Main Avenue.

As a result, we would respectfully request that the Council makes clear to the applicant that this application, due to the significantly enlarged basement (circa 102 sqm), will require an enhanced level of detailed analysis and professional research and assessment of flood related issues, which represents a material planning consideration that should entail the detailed submission of all relevant flood impact information relating to the development.

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

- (i) no surface water flooding will occur **as a result** of the basement construction and
- (ii) that there will be no material harm to any underground water course(s) in the vicinity of the site **as a result** of the basement construction.

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

7. Finally, on a purely technical point, the submitted “existing drawings” (ref PL/02 A) are incorrect as they do not show the rear dormer on the flank elevations. It appears from the Council’s planning file that this drawing also had to be corrected at the time of the 2013 application – and on the 2013 file was amended by drawing ref PL/02 B. We are sure the Council will wish to have this similarly corrected as soon as possible in the interests of accuracy and to avoid any future confusion.

We trust the above response, based on what we regard as very relevant and material planning considerations, primarily within the approved MPCAA, will be taken full cognisance of.

Officer comment: Amended existing plans show the rear dormer on the flank elevations. Moor Park 1958 have also been notified of the receipt of amended drawings in October 2023. Any comments received will be verbally reported to committee.

4.1.4 Batchworth Community Council: [Objection]

This property was subject to a recent application (22/2320/FUL) which at the time BCC “called in” but the application was subsequently withdrawn. At the time we highlighted that we noted the 2013 application (13/2138/FUL), which was approved and was considerably smaller in scale, was still exceeding the MPCAA 15% plot ratio. Having carefully reviewed the current application, and both the 2013 & 2022 applications plus the associated documentation, Batchworth Community Council (BCC) continues to strongly object to this application for the following reasons. The current application also does not significantly change from that of the withdrawn 2022 application or account for the earlier feedback and comments provided by various parties and therefore many of the objections remain the same.:

1. BCC acknowledges that this is not a Pre 1958 property. However, we are of the opinion that all applications need to account for and ensure that they are aligned and following both the TRDC Planning Policies and the Conservation Area MPCAA.
2. Having reviewed the proposal we believe that this is significantly an overdevelopment of the site, both in terms of bulk and height, and overall is a very large increase in size overall from the approved 2013 application.
3. BCC is of the opinion that the planned redevelopment challenges the adjacencies to the adjoining properties, where the MPCAA seeks to create openness and spacing between properties. 2
4. Most significantly it should be noted that the plot ratio is now approaching 25% and over 30% when including sunken patio and significant hard standing throughout. This is not in line with the important guidelines & recommendations as set out within the MPCAA which states a maximum of 15%. This aspect of the MPCAA has been discussed on several occasions in detail and strongly supported by TRDC Councillors at TRDC Planning Meetings and which should be always adhered to. It should be noted that the 2013 approved application had site coverage approaching 19%.
5. The increase in the height in certain respect of aspects of the application makes the proposed property more dominant and prominent and affects the street scene.
6. There are a series of Velux Windows which seem excessive and unnecessary for the proposed layout and size of the loft rooms are created when Dormer windows are also planned. Velux windows are also not recommended in MPCAA and should be a visual detail when looking at the property from the front.
7. In respect of the Dormer windows within the rear elevation, BCC is of the opinion that these are now over dominant, unacceptable and need to be significantly reduced in scale. The revisions should be aligned with the 2013 approval and there is a need to ensure that these windows do not have a negative effect on the privacy of the neighbours.
8. The fenestration on the front elevation is out of context with the street scene.
9. The application contains a flat roof, which again is not in line with the guidelines set out in the MPCAA and Conservation Area as a whole.
10. The angle of plot will, we believe, result in privacy issues for the neighbours.

11. We have concerns in respect of both significant increase in the size of the basement that needs to be carefully reviewed to ensure it does not affect the local & immediate water table resulting increased flooding in the immediate area which is susceptible to flooding and the height and glazing associated with the rear side extension.

12. At the time of submitting this letter the application does not provide any details for the proposed landscaping plans (front & rear) and / or a protection plan for the existing trees during construction. There are significant mature trees on site, and we would request that a detailed landscape and tree protection plan is submitted to TRDC for approval before any works commence.

13. We would appreciate feedback & comments are sought from the Conservation officer and that BCC (& others) are provided the right to comment further once the CO's comments and advice is received. 3 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.

Officer Note: Batchworth Community Council have been notified of the receipt of amended drawings in October 2023. Any comments received will be verbally reported to committee.

4.1.5 Landscape Officer: [Verbally consulted]

The Landscape Officer has not raised an objection to the proposal.

4.1.6 National Grid: [No objection, subject to informative]

Your planning application – No objection, informative note required

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 7

4.2.2 Responses received: 1 (Neutral)

4.2.3 Summary of responses:

- No objection to application subject to planning permission being granted and appropriate Party Wall Act and the projection of privacy and rights to light.

4.3 Site Notice: 24/05/2023 and expired 15/08/2023.

4.4 Press notice: 26/05/2023 and expires 23/06/2023.

4.5 Re-consultation due to amended plans, expiry: 13/09/2023

5 Reason for Delay

5.1 Amended plans were 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 as set out within 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 the Conservation Area.

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 Policy / Guidance

6.2.1 National Planning Policy Framework and National Planning Practice Guidance.

- 6.2.2 In September 2023 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.
- 6.2.3 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).

6.3 The Three Rivers Local Development Plan

- 6.3.1 The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.
- 6.3.2 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP9, CP10 and CP12.
- 6.3.3 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, DM8 and DM13 and Appendices 2 and 5.

6.4 Other

- 6.4.1 The Moor Park Conservation Area Appraisal (adopted 2006)
- 6.4.2 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).

7 **Planning Analysis**

7.1 Impact on the character and appearance of the host dwelling and wider Conservation Area

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 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' and 'conserve and enhance natural and heritage assets'. Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) seek to ensure that development does not lead to a gradual deterioration in the quality of the built environment.
- 7.1.2 With specific regard to the proposed development, the Design Criteria at Appendix 2 of the DMP LDD sets out that in order to prevent a terracing effect and maintain an appropriate spacing between properties in character with the locality two storey side extension may be positioned on the flank boundary provided that the first floor element is set in by a minimum of 1.2m, With regard to dormer window, they should always be subordinate to the main roof. They would be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall. The roof form should respect the character of the house if possible. Multiple dormers should be proportionate in scale and number to the host roof. The Design Criteria further states that crown roofs can exacerbate the depth of properties and often result in an inappropriate bulk and massing.

- 7.1.3 As the site is located within the Moor Park Conservation Area, Policy DM3 of the Development Management Policies LDD (adopted July 2013) is also 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.
- 7.1.4 The Moor Park Conservation Area Appraisal (2006) provides supplementary planning guidance and is a material planning consideration in the assessment of applications within the Moor Park Conservation Area.
- 7.1.5 Whilst the application dwelling is not a pre-1958 dwelling, it still includes a number of characterful features such as bay windows, a multi bricked exterior with timber detailing at first floor levels and chimneys. In view of its current appearance and character, the existing dwelling is considered to make a neutral contribution to the character and appearance of the Conservation Area.
- 7.1.6 The proposed front extension to the garage would project 0.9m in depth and would have a hipped roof form. However, it would not project beyond the existing two storey projection to the front of the dwelling and as a result with the dwelling being at a lower land level and set back by approximately 16m from Russell Road, it is not considered that this element of the proposal would appear unduly prominent within the streetscene or harm the character of the host dwelling. The extension would also be finished in matching materials and as such would not result in any adverse impact on the host dwelling.
- 7.1.7 One of the main fundamental changes proposed is the alteration of the roof over the two storey front projection from a hipped roof to a gabled roof. Due to the change in the roof form, this would become the main focal point of the house, especially when considering the level of elevated glazing proposed. Whilst more prominent than the existing projection and increasing the elevational emphasis of the house, when considering the relatively modern design of the existing house, it is not considered that this element would result in demonstrable harm to its character with the wider house maintaining the key characteristics as highlighted above. This new addition would add visual interest but the window detailing would ensure that it integrates with the existing character of the house, thus preserving its character. It is noted that this gabled front projection is also similar to that previously approved in 2013.
- 7.1.8 Appendix 2 of the DMP LDD outlines that increase in ridge heights will be assessed on their own individual merits but are unlikely to be supported in streetscene where there is uniformity in ridge heights or a linear step in height.
- 7.1.9 The application is accompanied by an existing and proposed illustrative streetscene plan demonstrating the differences in height between the host dwelling and the two neighbouring dwellings (No.7 and No. 11 (partially demolished) Russell Road). No. 9 Russell Road would result in a total height of 9.2m above ground level, this would be a consequence of an increase in ridge height of 0.5m. The proposed increase in ridge height would result in a dwelling that is approximately 1.5m lower than No. 11 Russell Road (when built) and approximately 0.6m higher than no. 7 Russell Road. Given the topography along Russell Road it is not considered that the minimal increase in ridge height to the application dwelling would result in any demonstrable harm to the visual amenities of Russell Road and the wider Conservation Area. Whilst the proposed increase in ridge height materially alters the appearance of the application dwelling, it is considered that the proposed ridge would follow the pattern and character of the streetscene that exists. As such when considered in the context of the existing form of the roof, and that the proposed would reflect the style and design of the existing it is not considered that this would result in any harm to the character of the host dwelling or wider streetscene. The Conservation Officer does not raise objection to this element of the proposal.

- 7.1.10 The proposal would include a crown roof to the main house. The Conservation Officer has raised concern regarding the proposed crown roof stating that they acknowledge a large crown roof was permitted under the 2013 application, however, there is a strong preference for a traditional duo pitched roof form to preserve the character and appearance of the conservation area. Whilst crown roofs are discouraged in favour of traditional hipped roofs, it is noted that the existing dwelling has a crown roof and other crown roofs are present within the vicinity of Russell Road. The proposal would reduce the size of the main crown roof and include a smaller crown roof to the side extension than the previously approved scheme included. As such, it is considered that this would be a betterment to the previously approved scheme as the crown roofs are reduced in size. As such, it is not considered that the resultant proposed crown roof forms would result in any further harm to the character of the host dwelling, streetscene or wider Conservation Area.
- 7.1.11 A first floor side extension is proposed to the flank facing No.7. The spacing to the boundary would comply with the guideline figure at 1.5m. Whilst larger than the existing first floor side addition, the new extension would still maintain a subordinate design approach, given it would be set back from the main front elevation and set down from the extended ridge. It is recognised that many properties in the immediate area are wide and significant in scale meaning that this extension would follow the character of the area and would not appear, for the reasons expressed above, unduly prominent within the streetscene or harmful to the character of the existing dwelling. The proposed first floor extension would include a crown roof form. Whilst it is noted that crown roofs are discouraged in favour of traditional hipped roofs as set out above, it is acknowledged that the existing dwelling has a crown roof and other crown roofs are present within the vicinity of Russell Road. As such, it is not considered that the crown roof would result in harm to the character of the host dwelling, streetscene of Russell Road or wider Conservation Area. The side extension would be rendered to the front and include mock Tudor boarding to the side and rear. No objections are raised to this design approach.
- 7.1.12 The proposed single storey rear extension at ground floor level extends the full width of the dwelling and would have an amended depth of 4.2m, which would slightly exceed the guidance figure of 4m for detached properties. It is noted that a single storey rear extension was previously approved in 2013. This was 3.2m in depth and had a flat roof with a hipped skirt around the edges. The current extension has a flat roof behind a parapet, with an overall height lower than the 2013 approval. The Conservation Officer raises concern regarding this element of the proposal stating that there remains a preference to amend the scale, form and appearance of the rear extension, as it does not respond well to the host dwelling. It is noted that paragraph 3.6 of the Moor Park Conservation Area Appraisal seeks to resist the construction of flat roofs within the estate as they do not reflect the traditional style and design of the fully pitched roofs. However, taking into consideration the previously permitted scheme, the proposed single storey extension at ground floor level would not result in any additional harm to the significance of the conservation area and would not appear disproportionate to the host dwelling.
- 7.1.13 The proposal includes an extension rearward of the existing basement with an amended depth of 4.2m. Whilst this would be visible to the rear, it is not considered that it would result in any harm given its amended scale and existing situation. The patio area would project 1.7m deeper than the rear elevation of the proposed lower extension and would have a width of 6.4m. Balustrades are proposed along the depth of the patio with a height of 1.8m. It is considered that the proposed patio given its extent would not result in any harm to the character of the host dwelling. Similarly, the proposed balustrades given their scale and siting would not result in any adverse harm.
- 7.1.14 The existing rear dormers would be extended and their roofs altered to flat roofs with an additional flat roofed rear dormer inserted into the rear roofslope. It is considered that the additional flat roofed dormer would be subordinate to the rear roofslope and the proposed alteration to the roofs of the existing dormers would not result in any harm. The additional dormer would be set down from the main ridge, set up from the eaves and set in from the

flanks of the roof and as such would comply with the guidance set out within Appendix 2. It is noted that the dormers are proportionate in scale and number to the host roof.

- 7.1.15 The proposed rear fenestration alterations would not be readily visible. Whilst extensive glazing is proposed, when read against the relatively modern design of the house and given their siting at the rear they are considered preserve the character of the host dwelling and as such would not result in any harm to the wider streetscene of Russell Road or the wider Conservation Area.
- 7.1.16 The extensions would be finished in render, brick, mock Tudor detailing and timber and clay roof tiles to match the existing house. To ensure acceptable integration with the existing house, a condition securing the submission of materials samples is attached to the recommendation.
- 7.1.17 It is important to ascertain where the proposal comply with the planning guidance for Moor Park as set out in the Conservation Area Appraisal (Oct 2006) Key aspects of the Moor Park guidance in relation to this application are percentage of plot coverage in area, plot width coverage and distance to the boundaries. The Moor Park Conservation Area Appraisal sets the following guidance:
- Maximum building line width of 80% at the front building line
 - Buildings should not cover more than 15% of the plot area
 - 1.5m being kept clear between flank walls and plot boundaries
- 7.1.18 The proposed development would amount to a maximum front building line of 80% which would adhere to the guidance. The proposed single storey side extensions would be set in 1.6m from the adjacent flank boundary which would comply with the guidance.
- 7.1.19 The Moor Park Conservation Area Appraisal noted 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.”
- 7.1.20 From the submitted plans the existing plot coverage of the existing house is 15% and this increases to **20%** when taking into account the existing basement and raised decking above. When including the existing outbuildings, the total plot coverage of the house as existing (including basement and most elevated raised timber decking area above the basement) equates to **21%** (see **Appendix 1**).
- 7.1.21 Following the amendments to the proposal with a reduced depth rearwards of the single storey rear extension, the plot coverage based on the extended dwelling including basement and ground floor patio area and the remaining outbuilding equates to **26%** (see **Appendix 2**).
- 7.1.22 For the purposes of the above plot coverage, the sunken garden area (shaded green on **Appendix 2**) has not been included. Having regard to the appraisal, it is not considered that this area should be included as it does not form a basement or internal floorspace but would instead form part of the usable garden area.
- 7.1.23 The concerns of Moor Park (1958) Ltd in respect of plot coverage is noted. However, in considering the application, the site circumstances are required to be considered alongside policies and constraints, rather than arbitrarily applying policy.
- 7.1.24 The increased plot coverage is predominantly as a result of the proposed rear extensions which include the basement and ground floor patio area. The rear projections extend a further 1m in depth than the approved scheme which predominately explains the increase in plot coverage of approximately 5%. It is accepted that the baseline guidance figure is

15% and the existing plot coverage already exceeds this. Whilst recognising that this amended scheme further increases the built form coverage, it is necessary to consider whether this increase harms the 'spacious open character of the estate.' When considering that the existing site circumstances and limited visibility of the extensions from the streetscene or from neighbouring properties and the fact built form is not projecting any further into the plot given the existing raised decking elements, it is argued that the rear extensions including basement and ground floor patio would not result in any demonstrable harm to the spacious character of the site and area when compared to the existing site circumstances. This application also enables the Council to further control future development, accepting that further outbuildings at the property could erode the spacious open character. It is therefore considered appropriate to include a condition on the recommendation removing permitted development rights for outbuildings and hardstanding (Classes E and F of Part 1, Schedule 2 to the GPDO) to ensure that the impact of any such development can be assessed.

7.1.25 In summary, it is considered that the amended extensions would ensure that the dwelling would still have a neutral contribution to the conservation area and would preserve the open spacious character of the area. The resultant changes would therefore preserve the existing character of the dwelling, which is a modern dwelling, not a pre-1958 house. As such, the development would therefore be in accordance with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3, Appendix 2 of the Development Management Policies document and the Moor Park Conservation Area Appraisal (2006).

7.2 Impact on Neighbours

7.2.1 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 also set out that extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. Two storey 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 although this principle is dependent on the spacing and relative positions of dwellings.

7.2.2 The proposed alteration to the roof of the two storey front projection from a hipped roof to a gable would be set at least 9m from the site boundaries and would not result in any increase in the height of this feature or any adverse impact on the amenities of neighbours.

7.2.3 The single storey front extension would result in additional depth of 0.9m to the front of the existing garage. The extension would be in line with the existing flank of the dwelling and would be set in 1.8m from the flank boundary with 7 Russell Road. The extension would be single storey and the roof would be hipped away from the flank boundary and would have a maximum height of 3.7m and an eaves height of 2.6m and as a result of the separation from the neighbour would not appear overbearing or lead to any unacceptable loss of light.

7.2.4 The proposed first floor side extension would be set in 1.6m from the flank boundary with 7 Russell Road. While this dwelling does have three first floor flank windows facing the application site, two serve en-suite bathrooms and the third is a secondary window serving a bedroom. All are obscure glazed. In addition, the roof over the extension would be hipped away from the flank site boundary and would be set down from the main roof. As a consequence, it is not considered that the extension would appear overbearing or result in significant loss of light to 7 Russell Road.

7.2.5 The proposed single storey rear extension at ground floor level would have a depth of 4.2m which would exceed the guidance with the Design Guidelines of the Development Management Policies document. The extensions to the rear would be set in at least 1.6m from the boundary with 11 Russell Road with a set in of at least 2.2m for the deepest part

of the extension. This neighbour is also set off the flank site boundary. The rear extensions would be set in 1.8m from the boundary with 7 Russell Road and this neighbour is set at a higher land level. Given its reduced depth, flat roof form, separation from the boundaries and relationship with neighbouring buildings it is not considered that the rear extension would be overbearing or result in loss of light to any neighbours. The proposed lower ground floor would be extended rearwards by 4m with a sunken patio. At this reduced depth, it would not result in any adverse impact on neighbours. The depth of the rear patio at ground floor level could result in increased levels of overlooking into the surrounding neighbouring properties in comparison to the existing if the neighbouring hedging was to disappear. As such, amended plans were sought during the course of the application for screening to be erected along the depth of the proposed patio adjacent to both neighbours at No. 7 and No. 11 at a maximum height of 1.8m. It is considered that the proposed screening at this height and depth would not result in any harm to terms of overbearing impact to the adjoining neighbours. This matter is secured by condition.

- 7.2.6 The alterations proposed to the rear dormers would result in increase to their height and width. The proposal would also result in an additional dormer. However, the rear dormers would remain subordinate to the main roof and would be set in from either end of the roof. Therefore they would not appear overbearing or result in loss of light to any neighbours. The additional rear dormer proposed would be set in from either end of the roof and therefore would not appear overbearing or result in a loss of light any neighbours.
- 7.2.7 It is noted that the proposal would result in a maximum ridge height which would be 0.5m taller than the neighbouring dwelling No. 7 and 1.8m less high than the pre-existing neighbouring dwelling at No. 11. It is not considered that the proposed increase in ridge height in isolation would result in any harm to any neighbouring properties.
- 7.2.8 The dwelling is set back at least 16m from Russell Road and is at a lower land level to the highway. Additional separation is provided to neighbours opposite the site by the highway and as a consequence, the glazing proposed in the front elevation of the dwelling would not result in unacceptable overlooking.
- 7.2.9 No additional first floor glazing is proposed in the flank elevation of the dwelling facing 11 Russell Road and as a result of the boundary treatment the ground floor glazing would not result in unacceptable overlooking.
- 7.2.10 In the flank elevations of the dwelling facing 7 Russell Road there would be two additional windows at ground floor level which would not result in loss of privacy to 7 Russell Road as a result of the boundary treatment to the side. Two first floor flank windows are also proposed. These would serve en-suite bathroom and dressing room and subject to a condition on any consent requiring that they are obscure glazed and top level opening only would not cause unacceptable overlooking.
- 7.2.11 Extensive glazing is proposed in the rear elevation of the dwelling at ground floor level and there would be additional glazing at first floor level in the side extension and a slight increase in the extent of glazing in the rear dormers and new rear dormer. However, there would be a distance of at least 80m to the rear of dwellings on Bedford Road to the rear of the site and there would be no opportunities for overlooking of neighbouring habitable windows. While there would be some views of neighbouring gardens as a result of the first floor and dormer level glazing, it is not considered that this would be significantly more than exists currently and therefore there would be no loss of privacy to any neighbours as a result of this glazing.
- 7.2.12 In summary, the proposed development would not result in any significant adverse impact on any neighbouring dwelling and would be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies document.

7.3 Highways and parking provision

- 7.3.1 Core Strategy Policy CP10 requires development to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and advise that a four or more bedroom dwelling should provide three off street parking spaces.
- 7.3.2 The existing garage would be extended and would provide parking for two vehicles. In addition, the hardstanding to the front of the dwelling would be retained and is of sufficient size to accommodate in excess of three cars. There would therefore be sufficient parking in accordance with standards.

7.4 Wildlife considerations

- 7.4.1.1 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.
- 7.4.1.2 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. 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.
- 7.4.1.3 As the proposal development would affect the roof of the dwelling, an informative will be included on any permission advising a precautionary approach to works is undertaken.

7.5 Flood Risk

- 7.5.1 Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.
- 7.5.2 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.
- 7.5.3 This application proposes an extension to the existing lower ground floor level, no flood risk details have been submitted with this application. There is an existing basement. The application site is located within Flood Zone 1 which is at low risk of flooding from rivers and is at a low risk of surface water flooding. The proposal includes an extension to an existing lower ground floor and such it is not considered that the proposal would have an unacceptable risk of flooding or exacerbate the risk of flooding elsewhere. Nevertheless, an informative is added to secure any risk of flooding and also to ensure that any material arising from the basement is taken off the site.

7.6 Rear amenity

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

Design Guidelines (Appendix 2 of the Development Management Policies document) set out that a seven bedroom dwelling should provide 168sqm amenity space.

7.6.2 The application site would retain a rear garden of at least 1,000sqm. Ample amenity space would remain following implementation of the proposed development for current and future occupiers.

7.7 Trees and Landscape

7.7.1 All trees within and on the boundaries of the application site are protected as a result of the Conservation Area designation. Policy DM6 of the Development Management Policies sets out that development proposals should seek to retain trees and other landscape and nature conservation features. Proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.

7.7.2 The application site 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. There is a tree to the highway verge and several to the common boundaries of the site within the rear amenity space that could be affected by the proposal and would need to be safeguarded.

7.7.3 It is considered that a tree protection method statement is required as a dischargeable condition to demonstrate how the works will be carried out and how the existing trees on site will be protected.

7.7.4 Subject to this condition, there would be no adverse impact on the protected trees within the site.

8 **Recommendation**

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

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

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

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: 5182/PL001/Rev I, 5182/PL002/REV N, 5182/PL003/REV J, 5182/PL/005 REV E and 5182/PL/LP REV B.

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3, DM6, DM8, 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 the first use of the ground floor level patio hereby permitted, timber close-boarded screening (or a similar solid screen) to a height of 1.8 metres shall be installed along the depth of the patio as shown on approved plans 5182/PL001 Rev I and 5182/PL003 Rev J. Once erected, the screening shall be permanently maintained as such thereafter in terms of its siting, height and design.

Reason: To safeguard the amenities of the occupiers of No. 7 and No. 11 Russell Road in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C5 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 Mock Tudor detailing, roof tiles, windows and doors, bricks and render) 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).

- C6 Before the first occupation of the extension hereby permitted the first floor flank windows shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.

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

- C7 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 side 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).

- C8 Immediately following the implementation of this permission, notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification) no development within the following Classes of Schedule 2 of the Order shall take place.

Part 1

Class E - provision of any building or enclosure

Class F - any hard surface

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

Reason: To ensure adequate planning control over further development having regard to the limitations of the site and neighbouring properties and in the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal.

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 01438 879990 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

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

Following the grant of planning permission by the Local Planning Authority it is accepted that new issues may arise post determination, which require modification of the approved plans. Please note that regardless of the reason for these changes, where these modifications are fundamental or substantial, a new planning application will need to be submitted. Where less substantial changes are proposed, the following options are available to applicants:

- (a) Making a Non-Material Amendment
- (b) Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

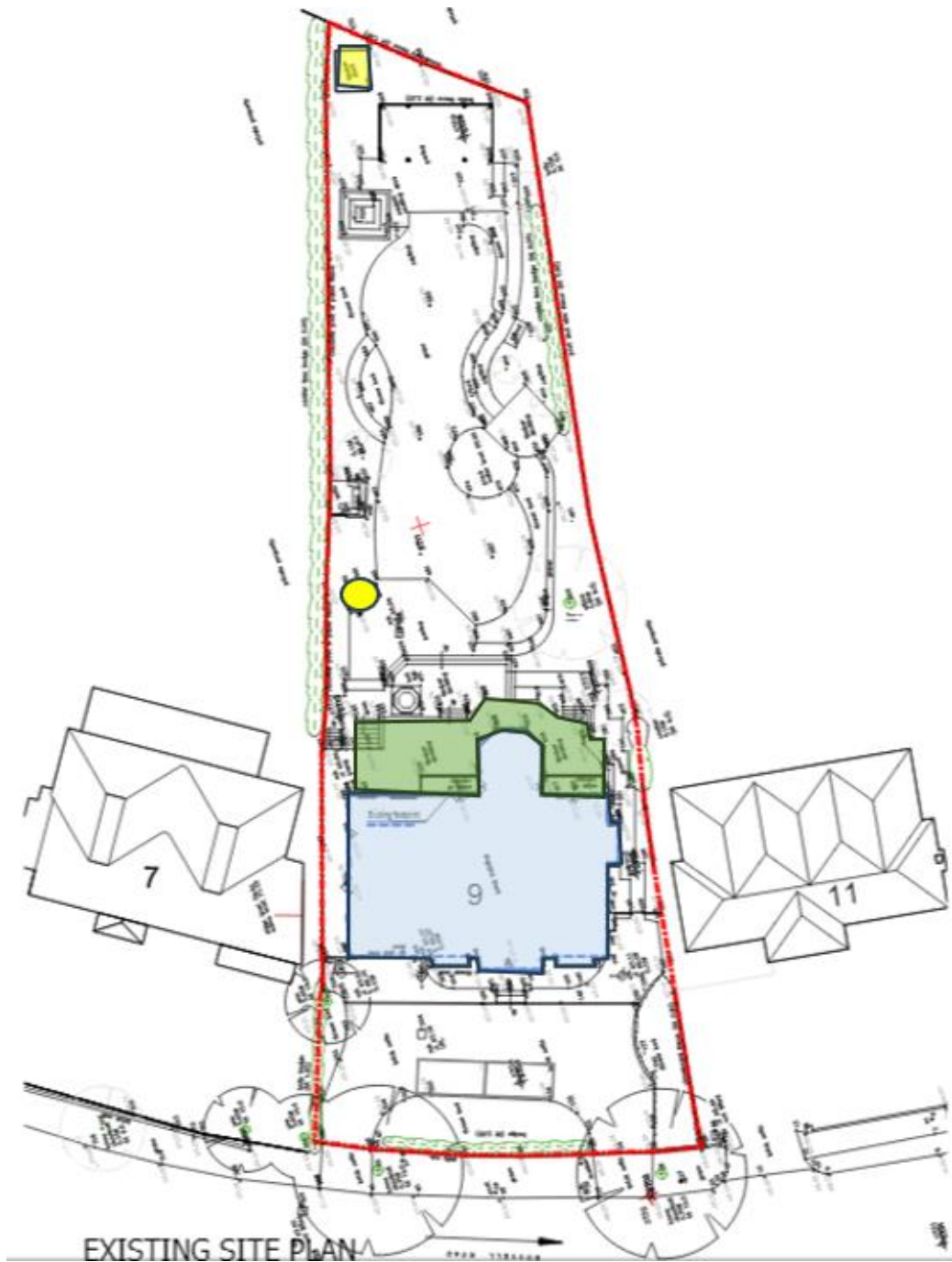
Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work. Further information on how to incorporate changes to reduce your energy and water use is available at: <https://www.threerivers.gov.uk/services/environment-climate-emergency/home-energy-efficiency-sustainable-living#Greening%20your%20home>

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The 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
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).
- 16 The applicant is hereby advised to remove all site notices on or near the site that were displayed pursuant to the application.
- 17 Due to the presence of National Grid apparatus in proximity to the application site, the Applicant should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works. Further 'Essential Guidance' can be found on the National Grid website at www.nationalgrid.com or by contacting National Grid on 0800688588.

Appendix 1

Existing Site Plan



Site area: 1560sqm

Existing house (shaded blue): 237sqm = 15.2% plot coverage

Existing Outbuildings (shaded yellow): 11sqm = 0.7% plot coverage

Existing house and outbuildings (shaded blue and yellow): 248sqm = 16% plot coverage

Existing basement and raised decking area (shaded green): 82sqm = 5% plot coverage

Existing house with basement and raised decking area (shaded blue and green) and outbuildings (shaded yellow): 237sqm + 82sqm + 11sqm = 330sqm = **21% plot coverage**

Appendix 2

Proposed Site Plan:



Site area: 1560sqm

Extended house including basement and ground floor patio (shaded blue): 403sqm = 26% plot coverage

Resultant Outbuildings (shaded yellow): 7sqm = 0.45% plot coverage

Extended house with basement/ground floor patio (shaded blue) and outbuildings (shaded yellow):
403 + 7sqm = 410sqm = **26% plot coverage**

Area shaded green has not been included as it projects beyond the basement and will form part of the garden/landscape works.