

PLANNING COMMITTEE – 14 December 2023

23/1665/FUL – Demolition of existing dwelling and construction of two storey detached dwelling with accommodation in the roof space, served by front/rear rooflights; provision of rear terrace balcony and associated works at WILLOWS, 62 CLEMENTS ROAD, CHORLEYWOOD, RICKMANSWORTH, HERTFORDSHIRE, WD3 5JT

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 29.11.2023
(Extension of time agreed until 21.12.2023)

Ward: Chorleywood South & Maple Cross
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in by Chorleywood Parish Council unless Officers are minded to refuse as concerns have been raised relating to character and impact on street scene and the loss of a bungalow.

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=S1VZLRQFH8Y00>

1 Relevant Planning History

- 1.1 21/2749/FUL - Demolition of existing dwelling and construction of two storey dwelling with roof accommodation served by rear recessed dormer/balcony, rooflights and first floor rear balcony - 22.03.2022 – Refused & Appeal Dismissed:

R1 The proposed replacement dwelling, by virtue of its ridge height, scale and mass, considered in conjunction with the more specific design elements such as the introduction of a steep roof profile, front gable feature and significantly tall fenestration, which collectively add to a substantially greater vertical emphasis to the dwelling, would result in harm to the character and appearance of the street scene and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011), Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan (2020).

- 1.2 21/1510/PDT - Prior approval: Enlargement of the dwellinghouse by the construction of one additional storey (3.5m in height) and raising of ridge to result in an overall height of 9.5m (Class AA) - 30.08.2021 – Permitted & Not Implemented.

- 1.3 21/0741/PDT - Prior Approval: Enlargement of the dwellinghouse by the construction of one additional storey (3.5m in height) to result in an overall height of 9m (Class AA) - 08.06.2021 – Withdrawn.

- 1.4 20/1793/FUL - Loft conversion including hip to gable roof alteration, rear dormer and front rooflights, single storey front extension and alterations to fenestration - 09.11.2020 – Refused, for the following reason:

R1 The proposed rear dormer window, by virtue of its scale, bulk and disproportionality to the host roofslope and visibility from the public realm would result in harm to the character and appearance of the host dwelling and area. As such the proposal is contrary to Policy CP12 of the Core Strategy (adopted 2011) Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013) in this regard and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020).

- 1.5 20/1248/FUL - Loft conversion including hip to gable roof alteration, rear dormer and front rooflights, single storey front extension and alterations to fenestration - 31.08.2020 – Permitted & Not Implemented.
- 1.6 99/01782/FUL - Single storey side extension - 07.01.2002
- 1.7 W/2155/73 - Extend Garage, Toilet and Shed - 29.06.1973

2 Description of Application Site

- 2.1 The application site consists of a detached bungalow located at the western end of Clements Road, Chorleywood, on the northern side of the street.
- 2.2 The land levels on this part of Clements Road incline in a westerly direction, therefore, the application dwelling is positioned on a slightly higher land level than the adjoining neighbouring dwelling at no.60 which is also a bungalow.
- 2.3 Forward of the dwelling is a paved driveway and front garden. To the rear of the dwelling is an amenity garden of some 800sqm in area which is laid as lawn and positioned at a lower level to the application dwelling.
- 2.4 The wider context consists of an allotment garden to the west, the rear gardens of dwellings on Turneys Orchard to the north and a garage site off Windermere Close also to the north.

3 Description of Proposed Development

- 3.1 Planning permission is sought for the demolition of the existing dwelling (including chimneys) and construction of a two-storey detached dwelling with accommodation in the roof space, served by front/rear rooflights, provision of rear terrace balcony and associated works.
- 3.2 The proposed dwelling would assume the same ground floor footprint of the existing dwelling and would include an attached garage. The proposed dwelling would have a width of 15.6m and a depth of 10.2m. The proposed dwelling would be spaced 1.4m to the boundary with no.60 when viewed from the front, with this gap reduced to the rear by the proposed single storey side projection, and 1.0m to the opposite side boundary. The proposed dwelling would have a hipped roof form of the same design and profile to the existing dwelling with an eaves height of 6.1m and an overall ridge height of 9.55m. The dwelling would contain front and rear glazing at ground and first floor level. There would be one rooflight within the front roofslope and a total of four rooflights within the rear roof slopes. There would also be a balcony to the rear right-hand side of the dwelling at first floor level, enclosed by metal balustrades.
- 3.3 It is proposed that the dwelling is finished in materials to match the existing dwelling including light render.
- 3.4 This application proposes an identical form of development in terms of scale and massing as previously permitted application 21/1510/PDT. The key difference between this current application and the previous permission is that the dwelling would be demolished and rebuilt, and the fenestration design and position would be amended. This application also follows a previous refusal, which was dismissed on appeal. The appeal proposal consisted of a different design of dwelling including scale and roof profile. This was deemed to be unacceptable for the reason for refusal set out above.

4 Consultation

4.1 Statutory Consultation

- 4.1.1 Chorleywood Parish Council: [Objection]

The Committee had Objections to this application on the following grounds and wish to CALL IN, unless the Officer are minded to refuse planning permission.

' The bulk and mass of the proposed dwelling is excessive, particularly when considering the elevation of the site above neighbouring properties.

' The proposed dwelling is not in keeping with existing street scene.

' As is recognised by the Chorleywood Neighbourhood Development Plan (NDP), Clements Road is an area characterised by bungalows. The proposed dwelling is out of keeping with this character.

' The proposed dwelling is in breach of Policy 4.1 of the Chorleywood NDP by replacing a bungalow with a multi-floor property not suitable for downsizing of older residents of the area or for disabled residents. With the increasing proportion of the local population requiring such single storey property, the demand for which is forecast to further increase over the next decade, this will adversely impact the supply of housing matching the needs of the population as required under Policy 4 of the Chorleywood NDP.

' Paragraph 152 of the NPPF requires the 'reuse of existing resources, including the conversion of existing buildings' so as to reduce carbon emissions and waste material. This proposal to demolish a serviceable existing property, which already has permission for an additional single storey under Permitted Development Rights, is directly opposed to this requirement of the NPPF. This requirement was recently reinforced by the Secretary of State for Levelling Up, Housing and Communities with regard to Marks and Spencer's, Oxford Street where the Secretary of State refused an application for demolition on the basis of Paragraph 152 of the NPPF.

Should the plans or supporting information be amended by the Applicant, please advise the Parish Council so the comments can be updated to reflect the amended.

Officer comment: The decision in respect of Marks & Spencer, Oxford Street is noted. While it is noted that the demolition and sustainability aspect for that application was given weight in the decision, it is noted that the decision was also considered to conflict with policies on heritage and design. It is also acknowledged that there are further material differences between the scheme and this application, such as the context and overall scale, which would not directly set a precedent for determining applications in the district for which the starting point is the statutory development plan.

4.1.2 Hertfordshire Ecology: [No response received]

4.1.3 Landscape Officer: [No response received]

4.1.4 National Grid: [No response received]

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 13

4.2.2 Site Notice posted 12.10.2023, expired 02.11.2023

4.2.3 Press notice not required

4.2.4 Responses received: 1 (Neutral)

4.2.5 Summary of responses:

- The proposed ecological enhancements are supported.

4.2.6 Material planning considerations are addressed in this report.

5 Reason for Delay

5.1 Committee cycle.

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 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 Policy & Guidance

National Planning Policy Framework and National Planning Practice Guidance

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

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

The Three Rivers Local Development Plan

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

6.2.4 The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP8, CP9, CP10 and CP12.

6.2.5 The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM4, DM6, DM13 and Appendices 2 and 5.

6.2.6 Chorleywood Neighbourhood Development Plan (Referendum Version, August 2020, adopted May 2021). Relevant policies include Policies 2 and 4.

6.3 Other

6.3.1 Chorleywood Common Conservation Area Appraisal (2010).

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

7 **Planning Analysis**

7.1 Principle of Development

7.1.1 The application dwelling is not situated within a Conservation Area and is not a Listed or Locally Listed Building. As such, there are no overriding policy requirements to retain the existing dwelling and the principle of demolition and construction of a replacement dwelling is acceptable, subject to other material considerations.

7.1.2 The site is located within the Chorleywood Neighbourhood Development Plan area. Policy 4 of the Chorleywood Neighbourhood Plan (part of the statutory development plan) relates to 'Housing to meet the needs of local people'. This policy states that "in areas characterised by groups of bungalows those developments which require the submission of a planning application will be carefully assessed to ensure that the supply of housing suitable for older and disabled people is not diminished. This will usually mean that suitable bungalows will not be able to be converted into multi-level dwellings".

7.1.3 The proposal would result in a loss of a bungalow and the creation of a 'multi-level dwelling' and would therefore not comply with Policy 4, mentioned above. It is not considered that the principle of constructing an additional storey to the bungalow to make it a multi-level dwelling is unacceptable or would justify refusal of planning permission subject to other material considerations. As referenced in Policy 4, various alterations can be made to properties without the need to apply for planning permission, via 'permitted development' and as such can transform a bungalow into a 'multi-level dwelling'. As set out in the planning history above, prior approval (21/1510/PDT) has been granted for the enlargement of the application dwellinghouse by the construction of one additional storey. It is acknowledged that this permission has not been implemented, however, it is a material planning consideration which can be afforded weight in the decision-making process.

7.1.4 It is not considered that the proposal would demonstrably diminish the supply of housing suitable for older or disabled people, as the proposed dwelling could still, with or without further adaptation, provide suitable living accommodation for older or disabled people. The proposed dwelling is shown to have a ground floor bedroom and shower room meaning that there is accessible ground floor accommodation. Furthermore, it is noted that in its current form, set down from the road with steps, it may not be particularly accessible for older or disabled people in the first instance.

7.2 Impact on Character and Appearance

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

7.2.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) set out that development should not have a significant impact on the visual amenities of the area. The Design Criteria at Appendix 2 states that the first-floor element of development should be set in by a minimum of 1.2 metres to prevent a terracing effect within the street scene. The proposed dwelling would allow a spacing of 1.4m to the

shared boundary with no.60 which would comply with the Design Criteria. There would be a spacing of 1.0m to the opposite side and, given that there is no neighbour in this location, concerns are not expressed that the development would cause a terracing effect.

- 7.2.3 The Design Criteria at Appendix 2 further states that increases to ridge height will be assessed on their own merits at the time of a planning application. Where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council. Policy 2 of the Chorleywood Neighbourhood Plan states that all development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale, and design.
- 7.2.4 Clements Road is comprised of predominantly of detached bungalows which, while largely traditional in architectural style, vary in their specific design with numerous examples of extensions and alterations including loft conversions.
- 7.2.5 This application follows the refusal of application 21/2749/FUL, which was subsequently dismissed at appeal, on grounds relating to design and character impact. Prior to this application, an application for Prior Approval was granted for the enlargement of the dwellinghouse by the construction of one additional storey. This application proposal has the same design in terms of scale and massing to that permitted under the Prior Approval (21/1510/PDT). The differences between this scheme and the Prior Approval, other than the proposed development constituting a complete demolition and rebuild of the dwelling, is that the proposal under this application proposes different fenestration. The LPA made the below assessment of the character impact in granting the Prior Approval. The LPA consider that the Prior Approval is a realistic fall-back position which would likely be implemented in any instance should the LPA refuse planning permission.

The proposed development would involve the construction of an additional storey to an existing detached bungalow to form a two-storey dwelling. The adjoining neighbour to the east at no.60 is a bungalow of similar design to the application dwelling and is positioned at a slightly lower land level. The wider context of Clements Road consists predominantly of bungalows, many of which have implemented roof extensions.

The proposed additional storey extension would follow similar design principles to the existing dwelling in terms of external materials, fenestration, and roof profile. The proposed development would give rise to a dwelling that appears somewhat larger in its overall scale and massing however the dwelling itself is not considered to be significantly wide or deep such that an additional storey would give rise to a dwelling of an overly dominant scale. It is considered that the proposed development would respect the heights relative to neighbours. The dwelling would remain higher than no.60 to the east and there is no adjoining neighbour to the west given that the dwelling is positioned at the end of the row. In light of these considerations, it is not considered that there would be such a stark contrast in the street scene between the proposed dwelling and the street scene that would amount to harm by virtue of its external appearance to justify the refusal of Prior Approval.

- 7.2.6 As set out above, the Design Criteria dictates that, where roof forms are of a uniform style/height and appearance, it is unlikely that an increase in ridge height will be supported by the Council. The considerations set out above in relation to the Prior Approval decision would apply for this application proposal. It is not considered that the proposed development would result in harm to the character and appearance of the street scene bearing in mind that Prior Approval (21/0022/PDT) has been granted for the same resultant form of development which could be implemented should planning permission be refused.
- 7.2.7 Relative to the prior approval scheme, the application proposal largely proposes changes to the fenestration of the proposed dwelling. In the appeal decision for 21/2749/FUL (APP/P1940/W/22/3302152), the Inspector referred to the proposed fenestration which was assessed to contribute to the harm. The Inspector concurred with the assessment of the LPA and stated that 'the design of the windows in the appeal scheme are purposely

designed to be taller than the windows in the existing dwelling. These windows are intended to provide greater levels of light to the rooms. However, the shape of the window has resulted in a vertical emphasis which is not apparent in the existing street scene.

- 7.2.8 The first-floor front windows of this current application scheme largely replicate those of the appeal scheme in terms of design, however, are confined to the scale of the openings of the approved Prior Approval scheme. The large feature window at first floor level within the front elevation appears better proportioned in this current scheme compared to the previous scheme. Additionally, the ground floor windows appear better proportioned compared with the appeal scheme. It is acknowledged that the combination of the reduction in roof profile relative to the appeal scheme improves the articulation and appearance of the dwelling and reduces its “vertical emphasis” which was previously deemed harmful. It is noted that the rear fenestration proposed consists of larger and taller openings within the rear elevation however acknowledge that this is more concealed from public viewpoints and would not harm the character of the area as a result.
- 7.2.9 The proposed development includes the provision of a rooflight within the front roofslope of the dwelling. While this would be visible from the street, it is noted that there are examples of rooflights throughout Clements Road therefore it is not considered that this would appear out of character. There would be a total of four rooflights to the rear roofslope of the dwelling however, as considered above, these would be more concealed from public viewpoints and would not harm the character of the area as a result.
- 7.2.10 In summary, it is not considered that the proposed development would result in an adverse impact on the character or appearance of the host dwelling, street scene or area and the proposal would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policy DM1 and Appendix 2 of the Development Management Policies document and Policies 2 and 4 of the Chorleywood Neighbourhood Development Plan.

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should ‘protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space’. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties. Two-storey development should not intrude the 45-degree splay line measured from a point on the shared boundary level with the rear wall of the dwelling.
- 7.3.2 Relative to the existing situation, the application dwelling would largely extend upward within the confines of existing principal elevations of the dwelling. The built form of the proposed dwelling with an additional storey would not project any further in depth than the existing rear wall of the dwelling and would not result in an intrusion of the 45-degree splay line taken from a point level with the front and rear walls of the neighbour. It is therefore not considered that the proposed development would lead to a harmful loss of rear outlook to any neighbour and, given the relative position that the dwelling would maintain, would not result in an overbearing impact to any neighbour.
- 7.3.3 The proposed development would introduce glazing at first floor level facing rearwards and forwards. It is not considered that the front glazing would lead to any unacceptable overlooking. Given that the existing dwelling is a bungalow, it is acknowledged that by extending to an additional storey, the proposed development would introduce first floor and loft level glazing that did not exist previously. It is therefore acknowledged that the proposed development would lead to a low degree of overlooking to the adjoining neighbour. Given the linear arrangement of the dwellings, the first floor and loft glazing would predominantly provide views towards the end of the rear gardens of adjoining neighbours, and it is not considered that the development would cause harmful overlooking.

7.3.4 Given the location of the balcony, and the absence of adjoining neighbours to this side, it is not considered that overlooking would arise due to this feature. The balcony would have a solid wall adjacent to it, preventing any direct views towards no.60 and given that it would be set off the boundary by some 12m with this neighbour, it is not considered to result in overlooking.

7.3.5 Previous applications for similar proposals at the application site have not been refused, or dismissed at appeal, on grounds relating to neighbour impact therefore are not considered to be a contentious issue.

7.3.6 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.4 Highways & Parking

7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and states that a dwelling of 4 or more bedrooms should provide three off-street parking spaces.

7.4.2 The application dwelling, as a result of the proposed development, would contain four bedrooms. The existing driveway is large enough to accommodate two spaces which represents a shortfall of one space.

7.4.3 While the shortfall is acknowledged, it is noted that Clements Road has a degree of on-street parking available. On balance, it is not considered that the shortfall of one space would justify the refusal of planning permission, and, in this instance, the parking provision is acceptable.

7.4.4 In summary, the proposed development is acceptable in accordance with Policies CP1 and CP10 of the Core Strategy and Policy DM13 and Appendix 5 of the Development Management Policies LDD.

7.5 Rear Garden Amenity Space

7.5.1 Policy CP12 of the Core Strategy states that development should consider the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Appendix 2 of the Development Management Policies LDD sets out standards for the provision of amenity space and states the following indicative levels:

- 4 bed dwelling - 105 square metres

7.5.2 The dwelling would retain a garden of more than 800sqm which would exceed the adopted standards and therefore is acceptable in this regard.

7.6 Trees & Landscape

7.6.1 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.

7.6.2 The proposed development would not require the removal of any trees nor is considered to give rise to indirect harm to trees. It is acknowledged that there are some conifer trees within the frontage that are not considered to be of any significant amenity value. In any instance these are shown to be retained on the proposed drawings. The proposed development is therefore considered to be acceptable in this regard.

7.6.3 In summary, the proposed development is acceptable in accordance with Policy DM6 of the Development Management Policies LDD.

7.7 Sustainability

7.7.1 Policy DM4 of the Development Management Policies document states that applications for new residential development will be required to demonstrate that the development will meet a zero-carbon standard (as defined by central government). However, the government are not pursuing zero carbon at this time and therefore the requirements of DM4 to achieve a 5% saving in CO2 over 2013 Building Regulations Part L would continue to apply.

7.7.2 The application is accompanied by an Energy Statement prepared by Vision Energy. The report confirms that a range of energy efficiency measures are to be incorporated into the building fabric to reduce energy demand and confirms that the proposed scheme is to secure at least a 5% reduction in CO2 emissions below the baseline emission rate based on Part L 2013 edition.

7.8 CIL

7.8.1 Core Strategy Policy CP8 requires development to make adequate contribution to infrastructure and services. The Three Rivers Community Infrastructure Levy (CIL) came into force on 1 April 2015. The levy applies to new dwellings and development comprising 100sq. metres or more of floorspace (net gain), including residential extensions, although exemptions/relief can be sought for self-build developments and affordable housing. The Charging Schedule sets out that the application site is within 'Area A' within which there is a charge of £180 (plus indexation) per sq. metre of residential development.

7.9 Refuse & Recycling

7.9.1 Policy CP1 of the Core Strategy states that development should provide opportunities for recycling wherever possible. Policy DM10 of the Development Management Policies LDD sets out that adequate provision for the storage and recycling of waste should be incorporated into proposals and that new development will only be supported where the siting or design of waste/recycling areas would not result in any adverse impact to residential or workplace amenities, where waste/recycling areas can be easily accessed (and moved) by occupiers and waste operatives and where there would be no obstruction to pedestrian, cyclist or driver sight lines.

7.9.2 The dwelling is located within a residential area and the collection of refuse and recycling bins adjacent to the highway would be considered acceptable. The site frontage would accommodate sufficient area for bin storage which is acceptable.

7.10 Biodiversity

7.10.1 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.

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

- 7.10.3 This application is accompanied by a Preliminary Bat Roost Assessment, dated 17 August 2023, and a Dusk Emergence Bat Survey, dated 26 August 2023.
- 7.10.4 The PRA concluded that the building has “low potential value” to roosting bats however there are potential roosting features within the site. The PRA recommends, in order to be confident in the results, a single bat roost survey should be completed between May and August. The PRA also recommends enhancement measures including bird, bat and bee boxes within the scheme.
- 7.10.5 The Dusk Emergence Bat Survey was carried out on 26 August 2023 and concluded that it is reasonable to assume that no bats occupy a roost within the property. The report recommends that the development may proceed with no evidence to suggest that bats or their roosts would be harmed or destroyed however the works should proceed with caution. This report further recommends that bat boxes be installed within the build and rear amenity garden.
- 7.10.6 The proposed development is considered to be acceptable in this regard and a condition will be included on any permission granted that the development is carried out in accordance with the recommendations of the reports, including ecological enhancement measures.

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: 179 PP 002 3 REV P2, 179 PP 100 3 REV P1, 179 PP 101 3 REV P1, 179 PP 110 3 REV P2, 179 PP 111 3 REV P1, 179 PP 112 3 REV P3, 179 PP 113 3 REV P3, 179 PP 200 3 REV P1, 179 PP 201 3 REV P1, 179 PP 201 3 REV P2, 179 PP 204 3 REV P2, 179 PP 210 3 REV P4

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the residential amenity of neighbouring occupiers, in accordance with Policies CP1, CP3, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013) and Policy 2 of the Chorleywood Neighbourhood Development Plan (Referendum Version 2020).

C3 The proposed development hereby permitted, shall be carried out in accordance with the materials as shown on the approved plans and application form and no external materials shall be used other than those approved.

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

C4 The ecological enhancement measures shall be carried out in accordance with the details set out in Dusk Emergence Bat Survey, dated 26 August 2023, in full accordance with the relevant timescales included within the report, and shall be permanently maintained thereafter.

Reason: To prevent the development having an adverse effect on biodiversity in compliance with Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C5 The development hereby permitted shall be implemented in accordance with the details of the submitted Energy Statement prior to the first use of the development and shall be permanently maintained thereafter. No photovoltaics shall be installed unless details have first been submitted to and approved in writing by the LPA.

Reason: To ensure that the development meets the requirements of Policy CP1 of the Core Strategy (adopted October 2011) and Policy DM4 of the Development Management Policies LDD (adopted July 2013) and to make as full a contribution to sustainable development principles as possible.

- C6 Immediately following the implementation of this permission, 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 development within the following Class of Schedule 2 of the Order shall take place.

Part 1

Class B - additions etc. to the roof

No development of the above class 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) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

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 development maintains/improves the economic, social and environmental conditions of the District.