

PLANNING COMMITTEE – Thursday 23 May 2024

23/2134/FUL – Demolition of existing northern covered projection, and the construction of a single storey side and rear extension, conversion of garage into habitable accommodation and rear rooflight; at 29 RUSSELL ROAD, NORTHWOOD, HERTFORDSHIRE, HA6 2LP.

Parish: Batchworth Community Council.

Ward: Moor Park and Eastbury

Expiry of Statutory Period: 08.02.2024
Extension of Time: 30.05.2024.

Case Officer: Katy Brackenboro

Recommendation: That Planning Permission be granted.

Reason for consideration by the Committee: Called in Batchworth Community Council for the reasons set out in full at 4.1.3 below.

To view all documents forming part of this application please go to the following website:
<https://www3.threerivers.gov.uk/online-applications/applicationDetails.do?keyVal=S5NMO6QFI3A00&activeTab=summary>

1 Relevant Planning History

- 1.1 W/924/49 - Conversion of garage into living room and provision for new garage. Permitted. 25.07.1949. Implemented.
- 1.2 W/1139/56 - Garage and covered way. Permitted 21.08.1956. Implemented
- 1.3 8/807/78 - Sunroom, playroom, 2 bedrooms. Permitted. 21.12.1978. Implemented
- 1.4 22/0900/FUL - Construction of a dropped kerb including extension to the driveway and hardstanding, alterations to front boundary brick wall and alterations to landscaping. Withdrawn. 16.06.2022
- 1.5 22/1166/FUL - Construction of a new dropped kerb including extension to the driveway and hardstanding, alterations to front boundary brick wall, closing of existing access and alterations to landscaping. Withdrawn. 15.08.2022
- 1.6 22/1578/FUL - Alterations to existing dropped kerb, extension to the driveway and hardstanding, alterations to front boundary brick wall and alterations to landscaping. Permitted. 12/10/2022. Not implemented
- 1.7 23/0855/FUL - Demolition of existing storage; construction of part single, part two storey side to rear extensions; Conversion of garage into habitable accommodation; loft conversion including front/rear dormer windows; front porch, relocation of entrance door, new windows to side elevation with associated internal alterations. Refused. 14.08.2024. Reason for refusal:

R1: The proposed extensions and alterations, by virtue of their design, positioning and significant scale and bulk, would result in prominent additions which would subsume the character and appearance of the host dwelling and result in the loss of key architectural features of the host dwelling which positively contributes to the Moor Park Conservation Area. The proposed extensions and alterations would fail to preserve the character and appearance of the house and would result in a loss of openness across the site. The resultant impact would diminish the positive contribution currently offered by the dwelling and therefore would as a direct result harm the character and appearance of the Moor Park Conservation Area. The proposed development would result in less than substantial harm under paragraph 201 of the NPPF, however, no public benefits have been demonstrated to

outweigh the harm. As such the proposal is contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013), the Moor Park Conservation Area Appraisal (2006) and NPPF (2021).

2 Description of Application Site

- 2.1 The application site contains a detached two storey dwelling sited on the eastern side of Russell Road, Moor Park. The application dwelling is a pre-1958 property built in an Arts and Craft style.
- 2.2 It has a hipped roof with gable features and is finished in white render and weather boarded at first floor level. To the front is an area of hardstanding which can accommodate at least three cars with an area of soft landscaping and mature trees.
- 2.3 To the rear is a patio area abutting the rear elevation of the host dwelling leading to an area laid to lawn.
- 2.4 The neighbouring detached property to the north at No. 27 is set on a higher land level to the host dwelling.
- 2.5 The neighbouring detached property to the south at No. 31 is set on a lower land level to the host dwelling and set back from the host dwelling.
- 2.6 The application site falls within the Moor Park Conservation Area.

3 Description of Proposed Development

- 3.1 This application seeks planning permission for the demolition of existing northern covered projection and the construction of a single storey side and rear extension, conversion of garage into habitable accommodation and rear rooflight
- 3.2 A single storey side and rear extension is proposed. This would project 3.7m from the southern flank of the host dwelling and have a maximum depth of 10.9m, projecting 4m beyond the original rear elevation of the host dwelling. It would be set back from the principal elevation by 1m. The rear element would have a total width of 15.7m. It would have a mono pitched roof with a flat roof behind with a maximum height of 3.3m to the front with an eaves height of 2.2m. Fenestration is proposed to the front, side and rear elevations including bi-folding doors at the rear. The proposed extension would be constructed in materials to match the host dwelling.
- 3.3 The application also includes the conversion of one of the integral garages into a study. The existing garage door to the front elevation would be replaced with a three casement window. A new door would be inserted at ground floor level in the northern flank elevation
- 3.4 A rooflight is proposed to the rear roofslope of the dwelling to serve the loft.
- 3.5 Amended plans were sought during the course of the application to remove the existing covered area/store to the northern flank elevation and to introduce a mono pitched roof around the single storey side and rear extension instead of a flat roof form. The window within the front elevation of the proposed extension was also reduced from a three casement to a two casement window. The addition of a first floor flank window to the northern flank has been omitted from the scheme.
- 3.6 An amended heritage statement was also submitted during the course of the application to ensure that it reflects the current scheme.
- 3.7 An amended Arboricultural Impact Assessment, Method Statement and Tree Protection Plan was submitted during the course of the application to provide tree protection strategy

in the context of the current scheme.. However it is noted that it still does not reflect the current scheme and this is discussed further below.

3.8 This application follows a previously refused scheme. The differences between the two applications are as follows:

- The previously refused scheme included a part single, part two storey side and rear extension, as well as front and rear dormer windows whereas the current application is solely for a single storey side and rear extension.

4 Consultation

4.1 Statutory Consultation

4.1.1 Conservation Officer: [First response - Objection (29 January 2024)]

This application is for a proposed single storey side and rear extension, conversion of garage into habitable accommodation; provision of new window to side elevation, rear rooflight and alteration to existing tile hanging.

The property is located in the Moor Park Conservation Area. The property is a pre-1958 dwelling and makes a positive contribution to the significance of the Conservation Area by virtue of the derivation, scale, form and appearance.

This application follows pre-application (ref: 23/1581/PREAPP), the latest advice note (dated 06/12/2023) related to a single storey side and rear extension. As per pre-application advice, there is no principle objection to a single storey side and rear extension. However, the proposed extension relates poorly to the host dwelling, particularly the side extension. Suggested amendments within pre-application advice remain relevant (a reduction in the height and alteration to the window proportion). Alternatively, a mono-pitched side extension with the ridge sitting below the first-floor eaves may better relate to the host dwelling. I acknowledge that this would not achieve the same width as the proposed flat roof, but the roof form would relate to the host dwelling and could appear more in keeping.

The proposed extension to the rear has been reduced in the width of the rear extension so it does not project beyond the pitch of the side extension. This has gone some way to address concerns raised within pre-application advice.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered.

4.1.1.1 Conservation Officer: [Second Response - Objection (12 April 2024)]

This application is for the demolition of existing northern covered projection, proposed single storey side and rear extension, conversion of garage into habitable accommodation; provision of new window to side elevation, rear rooflight and alteration to existing tile hanging.

The property is located in the Moor Park Conservation Area. The proposed extension would be an inappropriate addition to the property due to its form and appearance. The proposed wraparound extension would have a large flat roof surrounded by a faux pitch, it would be a bulky addition and would relate poorly to the host dwelling. The proposed extension would undermine the positive contribution the property makes to the character and appearance of the Conservation Area.

The proposals would fail to preserve or enhance the character and appearance of the Conservation Area, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 should be considered. With regards to the National Planning Policy

Framework the level of harm is considered to be 'less than substantial' as per paragraph 208.

4.1.2 Moor Park 1958 Ltd: [First Response – Objection (5 January 2024)]

Thank you for arranging for us to be notified about the application and we note that there was an error at TRDC with respect to the notification and that we now have until the 24 January to comment.

However before we do so could you please clear up several issues that have come to light with an initial glance at the application. Most importantly is the precise nature of the application.

Your description of the application is:

Construction of single storey side to rear extension and conversion of garage into habitable accommodation; provision of new window to side elevation

whilst the applicant's description is:

Single-storey rear / side extension and garage conversion to existing dwelling.

We assume that your description is meant to read side and rear extension but would be grateful if you could confirm. But more importantly the supporting documentation indicates other aspects are being included in the application.

Reference in supporting documentation refers to 2 storey rear extension, and the tree protection plan only relates to drive alterations and does not show the proposed extensions or the trees close to them. The plans also seem to indicate that the existing tile hanging will be altered but no Ecology report has been submitted despite your Pre-App letter indications that if the tile hanging was to be altered such a report would be required.

The shading on the drawings showing proposed new works also appears to be misleading as it does not include the side window on the plans or elevations and but does include a roof light no referred to elsewhere.

Please could you clarify the above by return email so we can proceed to prepare our comments in the full knowledge of the nature of the application.

4.1.2.1 Moor Park 1958 Ltd: [Second response - Objection (27 March 2024)]

In January we submitted our comments on this application which has been recently submitted. We now note that towards the end of last week revised plans have been submitted and we have seen these on your website. However, it is rather confusing as on your website all the original plans submitted with the application have been removed, which makes it difficult to do a comparison between the plans originally submitted and the revised plans. Could you please inform us why in this instance, unlike on other applications when revised plans are submitted and all original plans submitted remain on the website, the original plans have been removed from your website.

We do also note that there has been no further submission of details with respect to the other points previously raised relating to the Heritage Statement, which still refers to the scheme incorporating a two-storey rear extension, which in this application neither now nor previously include such features. Neither does the Tree Protection Plan or Arboricultural Method Statement cover issues relating to the side extension, but only to driveway works. Accordingly in the absence of correct information it should not be possible for a proper assessment of the application to be made by either ourselves or your planning department.

We believe that the proposed amended plans incorporate a change in the roof design which, whilst creating a better appearance than the originally proposed flat roof, does involve works which conflict with ecology matters relating to bats and certainly would involve a revised Ecology Report.

4.1.2.2 Moor Park 1958 Ltd: [Third Response – Objection (12 April 2024)]

The Directors of Moor Park (1958) Limited first of all would point out that they do not consider that the manner in which this application has been submitted is fit for determination. The information submitted with the application is contradictory and conflicting. To take a few examples, the existing and proposed Block Plan has shown a tree on the southern boundary in close proximity to the proposed side extension, but this tree does not appear in the Arboricultural Method Statement which has been submitted, possibly because the Arboricultural Method Statement is from 2022 and relates to works to the driveway. Nor does the tree appear on the Tree Protection Plan which has been submitted which also appears to relate to totally different works at the property (Application 22/1578/FUL) relating to a dropped kerb extension to the driveway and hardstanding, alterations to front boundary to brick wall and alterations to landscaping. It does not relate to extensions to the house. The Pre-Application Advice provided by the council on Friday 8th December 2023, states “The applicant is advised that such information must accompany a future planning application to allow an assessment to be made of the impact on trees”. The application which was validated by the Council on the 14th December 2023 does not comply with the stipulation of the Pre Application Advice.

The application form makes no reference to the provision of a new first floor side window on the northern side of the property, although the Council have noted that an additional window is to be provided, despite the fact that the plans have not shown this as being proposed works, and indicate by lack of shading that the window already exists. The plans do however include the provision of a new rooflight of which no mention has been made either by the applicant or the Council.

The Heritage Statement submitted with the application does not relate to the current application, with the proposed works described in the application as being “It is proposed to extend the property with single and two storey additions to the south side and rear (west) elevations plus alterations to the front entrance and addition of a small central dormer”. If the Heritage Statement does not reflect the works included in the application, it is impossible to consider the nature of the application correctly.

From the above it can be seen that the submitted plans, description on the application form, the Heritage Statement, the Tree Protection Plan and the Arboricultural Method Statement all conflict and we would request that clarification is obtained with the provision of correct supporting information.

If the application was to be considered, we would strongly object to the proposal as it is contrary to the Policies of the Moor Park Conservation Area and also has not followed the recommendations of the Pre-Application Advice made on the 8th December 2023, particularly in relation to the comments from the Conservation Officer.

We would in particular draw your attention to Paragraph 3.4 of the, building Moor Park Conservation Area Appraisal frontage width and plot coverage, in which it is stated “A minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevations subject to a distance of not less than 1.5 metres be kept clear between flank walls and plot boundaries. To comply with this Policy, it would be necessary for the proposed side extension to be reduced by approximately 1.5 metres. To achieve the 20% minimum, there would need to be just over 4.4 metres between the extension and the southern boundary, whilst the proposed side extension only leaves approximately 3 metres and is also in close proximity to a tree shown on the application drawings.

Under Paragraph 3.6, roofs of the Moor Park Conservation Area Appraisal it is stated "Flat roofs or flat sections to a pitched roof reflect a form not in keeping with the traditional design of houses in Moor Park and are therefore unacceptable". Whilst it could possibly be argued that the flat roof to the rear extension was not visible and accordingly did not have a detrimental effect on the Conservation Area or the character of this pre 1958 house from any public vantage point, the flat roof over the side extension is highly prominent and clearly visible from Russell Road and would have a substantial detrimental effect on the character of the property and the Conservation Area as a whole, and accordingly should not be permitted.

It is also noted that whilst the Pre-Application Advice indicated there were suggested changes which could potentially resolve some of the issues raised, it is noted that the application has been submitted without the inclusion of all the suggested changes. Accordingly, we request that the application, if it is considered by your Council as being suitable for determination (which we do not believe with the conflicting information that it is) be refused.

4.1.3 Batchworth Community Council: [First response - Objection (7 February 2024)]

Batchworth Community Council object to this application. While the pictorial view looks better than that proposed in 23/0855/FUL the supporting Heritage statement, tree protection plan and diversity plan are the same documents that supported 23/0855/FUL and therefore of no informative value in this case. The new drawings do not implement the advice given post the refusal of 23/0855/FUL which would in the words of the Conservation officer take this new application closer to acceptance. The extension as shown does not sit complementary to the main building and interferes with the hanging tiles. There is no raised tiled parapet to the front flat roof to try and hide it and copy the opposite side of the building. Lastly, the drawings do not show that the floor level at the rear of the extension will be between 0.5 and 1.0 meters above the garden level and will therefore require a raised patio of some description or people will be jumping from the bifold doors onto the grass. The size of the extension plus the addition of the patio will certainly take the plot coverage over 15% contrary to the MPCA.

A simple plan presented very poorly. Batchworth Community Council strongly object to this application.

4.1.3.1 Batchworth Community Council: [Second response - Objection (3 April 2024)]

Batchworth Community Council strongly object to this application.

1. The history of this application is one of partial information, wrong information and outdated information being supplied which has made the cross referencing of detail particularly difficult.
2. The new elevation drawings show that the PREAPP advice has not been included as intended.
3. The addition of the roof front to the new extension makes it even higher in scale than the other side of the building. The building now looks unbalanced
4. The addition of the extra window increases the overlooking of the neighbors.
5. There is no indication what the rear roof light is needed for. There are no plans of the roof space.
6. The enlarged front drive will impact the oak tree.
7. There appears to be alterations to the left hand side of the building removing a side gate and covered area behind. It is unclear if this was intended or if it will remain.

Batchworth Community Council request that this application is called in unless planning officers are minded to refuse.

4.1.4 TRDC Tree and Landscape Officer: [No objection]

Recommend: Approval

The site is located in the Moor Park Conservation Area. The submitted plans indicate that there would be tree protection fencing following the line of the existing driveway. However, it is not clear how the rear of the property would be accessed during construction without incursions into the Root Protection Area of tree T1 (Oak). Further information should be required by condition, including a more detailed tree protection method statement.

4.1.5 National Grid: No response received.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 8

4.2.2 No of responses received: A total of 14 objections received, from three neighbouring addresses, and 0 letters of support

4.2.3 Site Notice: Expired: 11/01/2024. Press Notice: Expired: 02/02/2024.

4.2.4 Summary of objections:

- Overdevelopment
- Flat roof not suitable
- Proposed building (89% exceeds 80% of frontage)
- 1.5m spacing is not left down each flank to boundary
- Disproportionately large and exceed 15% plot coverage
- Excessive side extension width
- Loss of privacy due to side windows
- Purpose of velux window not explained nor mentioned
- Inadequate off street parking
- Conversion of garage exacerbate parking issue
- Heritage document does not describe current application
- Re-consultation 14 days expiry: 28/03/2024
- No of responses received 2 objections, 0 letters of support
- Summary of responses:
 - Very large flat single storey part flat roof extension located 2.5m from the boundary with NO. 31 Russell Road.
 - Proposed new windows result in unacceptable overlooking/ loss of privacy and serve a habitable room
 - Rooflights incongruous, velux window not a low profile rooflight
 - Adverse impact on foundations of 31 Russell Road given proximity of the extension
 - Out of scale with local area, host dwelling and Conservation Area.
 - Plot coverage excessive
 - Garage conversion unacceptable
 - Could build a patio which would invade privacy of neighbour.

5 Reason for Delay

5.1 Committee Cycle and amended plans.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

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

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

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

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

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2023 the revised National Planning Policy Framework was published. This is read alongside the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another. The NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

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

6.3 The Three Rivers Local Development Plan

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

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

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM1, DM3, DM6, DM10 and Appendices 2 and 5.

6.4 Other

Moor Park Conservation Area Appraisal (2006).

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

7 **Planning Analysis**

7.1 Impact on Character and Appearance of the dwelling and on the Conservation Area

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD relates to residential development. It sets out that 'layouts unable to maintain the particular character of the area in the vicinity of the application site in terms of plot size, plot depth, building footprint, plot frontage width, frontage building line, height, gaps between buildings and streetscape features (eg hedges, walls, grass verges).
- 7.1.3 The NPPF gives great weight to the conservation of heritage assets and requires 'clear and convincing justification for any harm to or loss of significance and requires new development within Conservation Areas to enhance or better reveal their significance'. Policy DM3 of the Development Management Policies LDD relates to development in Conservation Areas and states that development will only be permitted if it is of 'a design and scale that preserves or enhances the character or appearance of the Conservation Area'. The Moor Park Conservation Area Appraisal also provides further guidance in order to preserve the special character of the Conservation Area.
- 7.1.4 The character and quality of the building is considered to make it an important positive contributor to the significance of the conservation area. The property displays a number of original architectural features indicative of the key characteristics found within the conservation area, including chimneys, roof form and distinctive Arts and Crafts building style. Whilst the building has been altered over the years, including extension to the rear, these changes have been largely sympathetic and retained the overall character of the property. The existing building is therefore considered to make a positive contribution to the character and appearance of the Conservation Area.
- 7.1.5 The appearance of the Moor Park Conservation Area is characterised by the following features, as identified in the Moor Park Conservation Area Appraisal which was adopted in November 2006 following public consultation:
- Houses built in the 1920s/1930s – 1950s and set back in spacious surroundings.
 - Many beautiful trees set around wide avenues.
 - Spectacular views along tree lined roads.
 - Open frontages separating gardens from the estate road verges.
 - Grass verges and shingle paths.
 - Attractive roads in differing scales.
 - Many characteristic original features including chimneys.
- 7.1.6 The proposal would result in the demolition of the existing covered area to the northern elevation and the existing bay projection to the rear. There is no in principal objection to this demolition, which would increase the spacing between the existing building and the boundary in this location.
- 7.1.7 Appendix 2 of the Development Management Policies document outlines that single storey rear extensions to detached dwellings should not exceed a guidance depth of 4m. Single storey side extensions will be assessed on their individual merits with regards to proximity to the flank boundary.

- 7.1.8 The proposal includes a single storey side and rear extension. The Conservation Officer has raised no objection to the principal of a single storey side and rear extension however the Conservation Officer states that the proposed extension would be an inappropriate addition to the property due to its form and appearance. The Conservation Officer states that the proposed wraparound extension would have a large flat roof surrounded by a faux pitch, it would be a bulky addition and would relate poorly to the host dwelling. However, it is considered by officers, given the amended plans, that whilst the proposed extension would be readily visible from the streetscene, its roof form would not result in harm or be a prominent bulky addition to the host dwelling. The side extension would be set back from the main front façade, with a modest roof height which would integrate appropriately with the existing building. Whilst the roof would have a crown element, this would be relatively small and discreet, hidden in part by the hipped roof and the positioning of the extension. It is considered overall that the proposed extension's form and design would be appropriate and would not result in harm to the character or appearance of the building.
- 7.1.9 The proposed side and rear extension would have a maximum depth of 4m beyond the main two story rear elevation of the host dwelling and this would accord with the guidance depth set out above. Given the siting of the side element, this part of the extension whilst readily visible from the streetscene, would be set off the southern boundary and would not result in a cramped appearance.
- 7.1.10 The proposed fenestration in the extension would be appropriate in scale and proportion and would reflect the character and appearance of the host dwelling and Conservation Area.
- 7.1.11 Appendix 2 of the Development Management Policies document states; '*oversized, unattractive and poorly sited additions can detract from the character and appearance of the original property and the general street scene*'. With regard to distances to the flank boundaries, the Moor Park Conservation Area Appraisal advises the following in order to retain the spacious character of the area:
- A minimum of 20% of the site frontage at existing building lines must be kept clear of all development along the entire flank elevations, subject to a distance of not less than 1.5m being kept clear between flank walls and plot boundaries.*
- 7.1.12 The proposed development would include the demolition of the existing northern side projection, leaving a distance to the northern boundary of 2.3m to the front and 2.1m to the rear. A distance of 3.1m would be provided between the southern flank of the proposed extension and the southern boundary of the application site when measured from the front. Taking this into consideration, the proposed development would also equate to a plot frontage width of approximately 80% (building width of 18.1m, and plot width of approximately 23m). Furthermore, it is noted that the proposal would comply with the 1.5m spacing guidelines as set out above, whereas the existing built form is sited 0.6m from the northern boundary to the front and set up to the northern boundary to the rear. As such, this would comply with the guidance set out in the Appraisal as amended. It is considered reasonable and necessary that a condition require the demolition shown on the submitted plans, to ensure the built width remains within the guidelines.
- 7.1.13 In addition, the Moor Park Conservation Area Appraisal states 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 over hang the ground floor or any built areas at basement level where these extend beyond the ground floor.*
- 7.1.14 The site has an area of 1,563m², and the amended proposed building footprint equates to 213m². This equates to a plot coverage of approximately 13.6%. Therefore, the plot coverage as amended would comply with the 15% guidance set out in the Appraisal. The plot width coverage and building footprint would therefore comply with the guidance set out

within the Moor Park Conservation Area Appraisal, and would not result in harm to the open character of the Conservation Area.

- 7.1.15 The proposed partial garage conversion with insertion of new window would not result in any harm to character and appearance of the host dwelling, wider streetscene of Russell Road or Conservation Area.
- 7.1.16 It is not considered that the proposed rear rooflight would not result in any demonstrable harm to the host dwelling or wider Conservation Area given its scale and siting. It would not be visible from the street so would not contradict the Conservation Area Appraisal requirements.
- 7.1.17 In summary, the existing dwelling given its style, detailing and materials is characteristic of the Conservation Area such that the host building is considered to make a positive contribution to the Conservation Area. The amended proposed development is considered to add subordinate additions to the host dwelling. As such, the proposed development would accord with Policies CP1 and CP12 of the Core Strategy, Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD, the Moor Park Conservation Area Appraisal (2006) and NPPF.

7.2 Impact on amenity of 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 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. The Design Criteria at Appendix 2 states that 4m is the depth generally considered acceptable for single storey extensions to detached properties.
- 7.2.2 The proposed demolition of the existing northern covered area and rear bay projection would not result in any adverse impact to any surrounding neighbours.
- 7.2.3 It is not considered that the proposed amended single storey side and rear extension would result in harm by virtue of a loss of light or overbearing impact upon either neighbouring property, given that it would be set at least 2.8m from each flank boundary. The fenestration within the extension would be confined to the ground floor and therefore would not result in any unacceptable overlooking.
- 7.2.4 The proposed partial garage conversion would not result in any harm to any neighbouring properties. The proposed window would overlook the front amenity space of the host dwelling and would not result in any harm to the surrounding properties.
- 7.2.5 The proposed rooflight to the rear roofslope would introduce glazing at loft level which did not exist previously. Whilst this would provide a more elevated view, it is not considered that the view achieved would result in harm and would be directed toward the end of the rear gardens of adjoining neighbours. It is not considered that the neighbours to the rear would be harmfully overlooked by the proposed development given the separation distance which is more than 40m.
- 7.2.6 In summary, the proposed development would not result in an adverse impact on the residential amenity of any neighbouring dwelling and the development would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Amenity Space Provision for future occupants

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Specific standards for amenity space are set out in Appendix 2 of the Development Management 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.
- 7.3.2 The application site would retain a rear garden of over 400sqm and there would be ample amenity space following implementation of the proposed development for current and future occupiers.
- 7.4 Highways, Access and Parking
- 7.4.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.
- 7.4.2 Concerns have been raised by neighbours regarding inadequate parking. Whilst the proposed development would result in the partial conversion of the garage resulting in a loss of one car parking space, the application dwelling would retain a driveway large enough to accommodate at least three parking spaces in addition to the retained garage and would therefore be acceptable in this regard.
- 7.5 Wildlife and Biodiversity
- 7.5.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.
- 7.5.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.5.3 The application has been submitted with a Biodiversity Checklist 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 protected species within the immediate area that would necessitate further surveying works being undertaken. It is noted that concerns have been raised by neighbours and Moor Park 1958 Ltd regarding a bat survey. However, it is not considered given the nature of the amended works that this is required. However, given that the works are proposed to the existing roof an informative will be attached to any consent to ensure the applicant is mindful of the appropriate course of action should bats be discovered.
- 7.6 Trees and Landscaping
- 7.6.1 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.
- 7.6.2 The application site and neighbouring properties are. It is noted that there are a few TPO trees beyond the rear boundary of the application site. To the frontage of the site is an Oak Tree (T1), Cherry Tree (T2) and a Field Maple (T3) which is located in the neighbouring garden at No. 31 Russell Road. The Oak tree is a category A1 and the other two trees are

category C1. An amended Arboricultural Impact Assessment, Method Statement (dated 18th April (GHA/MA/112160.24) and Tree Report and Tree Protection Plan (Rev B April 2024) prepared by GHA Trees Arboricultural Consultancy were submitted during the course of the application. However, it is noted that these documents still refer to a previous scheme for the driveway and do not reflect the current scheme. It is noted that the Arboricultural Method Statement on page 3 refers to driveway alterations. Furthermore, the tree protection plan details protective fencing along the northern and southern edges of the driveway such that there would be no access to the rear of the site to enable the development to be implemented. It is noted that the fencing is needed to protect T1 (Oak tree) and its root protection area but also allow access through to the rear garden for materials, works and equipment. The Landscape Officer shares this view. As such a pre-commencement condition requiring an appropriate tree protection strategy to be submitted prior to the commencement of any works shall be attached to any grant of planning permission.

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: PL-100, PL-103, PP-102, 5923-PL101 REV C, 5923-PL110 REV C and 5923-PL111 REV C.

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 Notwithstanding the submitted tree protection plan, 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') relating to the current application 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 Prior to the first occupation of the side/rear extension hereby approved, the single storey side element shown on drawing 5923-PL-110 Rev C to be demolished shall be demolished in full, with all debris removed from the site and the remaining property made good with materials to match the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM3 of the Development Management Policies LDD (adopted July 2013) and the Moor Park Conservation Area Appraisal.

- C5 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

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 £145 per request (or £43 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 (cil@threeivers.gov.uk). 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.

- 12 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>
- 13 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.
- 14 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.

- 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.