

## PLANNING COMMITTEE – 23<sup>rd</sup> May 2024

**24/0120/FUL - Variation of Condition 1 (plans) pursuant to planning permission 23/1809FUL to include alterations to the design of Plot 3 to increase footprint of dwelling at ground and first floor level, as well as alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works, alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works at PLOT 3, BANSTEAD DOWN, OLD CHORLEYWOOD ROAD, RICKMANSWORTH, HERTFORDSHIRE.**

Parish: Batchworth Community Council                      Ward: Rickmansworth Town  
Expiry of Statutory Period: 22.03.2024 (Extension of Time: 28.05.2024)      Case Officer: Scott Volker

Recommendation: That PLANNING PERMISSION BE GRANTED.

Reason for consideration by the Committee: The application was called in by Batchworth Community Council due to insufficient information on the changes proposed and concerns regarding the impact of the development on surrounding neighbouring properties.

To view all documents forming part of this application please go to the following website:  
[24/0120/FUL - Variation of Condition 1 \(plans\) pursuant to planning permission 23/1143/FUL \(Variation of Condition 1 \(Plan Numbers\) pursuant to planning permission 23/0856/FUL \(Variation of Condition 1 \(Plan Numbers\) of planning permission 19/1483/AOD to allow for amendments to the proposed design of the dwelling within Plot 2\) to include alterations to the approved design and layout to Plot 1\) to include alterations to Plot 3, alterations to front driveway, provision of raised rear patio with associated front /rear landscaping works | Plot 3, Banstead Down, Old Chorleywood Road, Rickmansworth, Hertfordshire](#)  
(threeivers.gov.uk)

### 1 Relevant Planning History

- 1.1 16/1669/OUT - Outline Application: Construction of three detached dwellings to include reuse of existing access from Old Chorleywood Road with alterations to access (appearance, landscaping and scale reserved) – Permitted October 2016.
- 1.2 19/1483/AOD - Approval of Details: Details pursuant to Condition 1 of Outline Permission 16/1669/OUT comprising appearance, landscaping and scale for construction of three detached dwellings to include reuse of existing access from Old Chorleywood Road with alterations to access – Refused October 2019 for the following reasons:

*R1: The development would not contribute to the provision of affordable housing and it has not been demonstrated that such provision would not be viable. Furthermore, it has not been demonstrated that the proposed mix of housing is appropriate with regard to housing needs. The development therefore fails to meet the requirements of Policies CP3 and CP4 of the Core Strategy (adopted October 2011) and the Affordable Housing Supplementary Planning Document (approved June 2011).*

*R2: The proposed dwellings by virtue of their siting (close proximity to flank boundaries), scale and design including crown roof forms would result in a cramped and contrived form of development which would have a significant detrimental impact on the character and appearance of the area. The development would therefore be contrary to Policies CP1, CP3 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*

*R3: The proposed dwellings, by virtue of their scale and design would result in an oppressive and overbearing form of development which would also result in actual and perceived levels of overlooking to the detriment of the residential amenities of adjacent*

*neighbouring occupiers. The development would therefore fail to accord with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).*

*R4: In the absence of sufficient information, it has not been demonstrated that the development would safeguard the protected trees and trees of visual importance on site. Therefore necessary consideration and appropriate mitigation cannot be given to mitigate the adverse impact of the development on protected trees contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).*

*R5: The proposed development has failed to demonstrate that there would be adequate provision for the storage and collection of refuse and re-cycling, contrary to the requirements of Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM10 of the Development Management Policies LDD (adopted July 2013).*

An appeal was lodged and subsequently allowed. Pins Ref. APP/P1940/W/19/3242846  
LPA Ref. 19/0051/MATREF.

- 1.3 22/0095/NMA – Non-Material Amendment to planning permission 19/1483/AOD: Revision of Plot 2 in relation to the garage so that it accords with approved site layout plan, amendments to front elevations to facilitate lowered entrance area and alterations to internal layouts – Refused February 2022.
- 1.4 22/1231/DIS – Discharge of Condition 5 (Construction Parking Plan) and Condition 7 (Arboricultural Method Statement) pursuant to planning permission 16/1669/OUT – Determined September 2019; conditions 5 and 7 discharged.
- 1.5 22/2076/DIS - Discharge of Condition 6 (Tree Protection Measures) pursuant to planning permission 16/1669/OUT – Determined November 2022; condition 6 discharged.
- 1.6 23/0856/FUL - Variation of Condition 1 (Plan Numbers) of planning permission 19/1483/AOD to allow for amendments to the proposed design of the dwelling within Plot 2 – Permitted August 2023; under construction.
- 1.7 23/1143/FUL - Variation of Condition 1 (Plan Numbers) pursuant to planning permission 23/0856/FUL (Variation of Condition 1 (Plan Numbers) of planning permission 19/1483/AOD to allow for amendments to the proposed design of the dwelling within Plot 2) to include alterations to the approved design and layout to Plot 1 – Permitted September 2023 under construction.
- 1.8 23/1809/FUL - Variation of Condition 2 (plan numbers) pursuant to planning permission 23/1143/FUL to alter approved dwelling including lowering eaves height, alterations to dormers, addition of solar panels, alterations to design of rear projection and alterations to fenestration – Permitted December 2023, under construction.

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

- 2.1 The application site forms a parcel of land to the rear of three residential dwellings fronting Old Chorleywood Road; Woodlands, Dell House and Banstead Down. Planning permission was granted for the construction of three detached dwellings under application 16/1669/OUT, with details approved on appeal under application 19/1483/AOD. The application site is a construction site and HERAS fencing is in place to protect the trees in and around the site.
- 2.2 This application specifically relates to the most northern parcel of land within the application site, known as Plot 3. Plots 1 and 2 are positioned immediately to the south. To the south of the application site is Millen House, a detached two-storey property approved under application 16/1668/OUT which shares the same access road from Old Chorleywood Road

as Plots 1-3. To the west are 131-137 The Drive comprising detached dwellings with rear gardens of some 17m - 20m in depth. To the north is 4 Goosefields, a detached dwelling with a rear garden depth of around 13m.

2.3 The site is rectangular in shape and is steeply sloping from the east down to the rear gardens of the adjacent properties on The Drive to the west.

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

3.1 This application seeks planning permission for the Variation of Condition 1 (plans) pursuant to planning permission 23/1809FUL to include alterations to the design of Plot 3 to increase footprint of dwelling at ground and first floor level, as well as alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works, alterations to front driveway, provision of raised rear patio with associated front/rear landscaping works.

3.2 The following changes are proposed:

- Increase the depth of the rear central projection at ground floor level by 2m. This additional element would have a mono-pitched roof measuring 3.6m, sloping down to an eaves height of 3m.
- Increase to the depth of the north flank elevation at both ground and first floor level. An increase of 5.5m at ground floor level and an increase of 3.1m at first floor level.
- Alterations to the roof form to create a larger crown roof.
- Land level changes to the front of the dwelling to expose more of the lower ground floor level and insertion of two high level windows within the principal elevation.
- Replacement of front dormer with a gabled vaulted entrance hallway.
- Formation of a new external stepped entrance down to the new hallway.
- Change the external appearance of the dwelling to light/buff colour facing brick to all elevations with grey finish to the roof.
- Additional fenestration at ground and first floor level within flank elevations. With all fenestration to be grey colour.
- Minor alterations to fenestration at first floor level within rear elevation.
- Insertion of two rooflights to south flank roofslope.
- A raised patio is proposed to the rear of the dwelling. The patio would have a staggered depth and would extend the full width of the dwelling. The patio would extend out at ground floor level of the dwelling before stepping down into the garden area.

3.3 The application seeks to replace the approved drawings numbered OCWR- 005 REV-1 and OCWR 007 with AZ/OCR/PL/002 REV-B, AZ/OCR/PL/003 REV-B, AZ/OCR/PL/004, AZ/OCR/PL/005, AZ/OCR/PL/006, AZ/OCR/PL/007, AZ/OCR/PL/008 REV-B and AZ/OCR/PL/010.

3.4 During the course of the application process additional plans, section drawings and 3D visuals were provided to aid the assessment of the proposed changes. The plans also included a change to the depth of the proposed patio reducing it from 5m across the full width to a staggered layout to facilitate a reduced depth along the flanks.

### **4. Consultation**

#### **4.1 Statutory Consultation**

4.2 Batchworth Community Council: [Objection]

*Batchworth Community Council very strongly objects to this application. Full appreciation of the changes to the original drawings is difficult as there are no dimensions and no comparison outlines between the two plan sets. Overall the sunken 2.5 floor dwelling has become an overbearing 3 full story building which is a total overdevelopment of the site.*

*Taking the plans floor by floor the increase in ground in floor space effectively doubles the size and further cuts into the hill side. Whilst the ground floor increase is not taken to the first floor the increase in usable space is carried up into the 3rd floor with the increase in the roof height which will almost guarantee that the upper storey will be able to overlook all the surrounding houses.*

*The introduction of a raised patio without full detail will allow plot 3 to overlook all of plot 1 and 2 and may even overlook the houses on the Drive below. The patio and separate garage also increases the overall amount of hard standing that this overall triple site overdevelopment will already have, the consequence of which could be as outlined in the survey reported as part of the objection raised to the 19/1483/AOD by number 33 below on the Drive. Unless proper drainage is installed the surface water runoff can only go downhill.*

*Batchworth Community Council wish to call this application in unless officers are minded to refuse.*

**Officer comment:** Following receipt of the above comments, officers engaged in discussions with the applicant which resulted in the submission of additional plans and 3D visuals to reduce the size of the patio and enable a more detailed assessment on the impact of the patio to surround neighbouring amenity.

4.2.1 National Grid: No response received at time of writing.

#### **4.3 Public/Neighbour Consultation**

4.3.1 Number consulted: 10

4.3.2 No of responses received: 1 objection.

4.3.3 Site notice: Not required.

- Concerns regarding raised patio and potential for overlooking into neighbouring gardens.

#### **5. Reason for Delay**

5.1 Receipt of 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 as set out within S38(6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).

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 Policy / Guidance

National Planning Policy Framework and National Planning Practice Guidance

In December 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”.

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). Relevant chapters include Chapter 2 and Chapter 4.

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 PSP1, CP1, CP2, CP3, CP4, CP8, 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, DM4, DM6, DM7, DM8, DM10 and DM13 and Appendices 2 and 5.

### 6.3 Other

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

National Planning Policy Guidance.

## 7. **Planning Analysis**

### 7.1 Background

7.1.1 Outline planning permission was granted under application 16/1669/OUT for the construction of three detached dwellings to include the reuse of the existing access from Old Chorleywood Road. A Reserved Matters application referenced 19/1483/AOD was approved on appeal for approval of details comprising appearance, landscaping and scale. (PINs Ref: APP/P1940/W/19/3242846 and LPA Ref: 19/0051/MATREF).

7.1.2 Works commenced in 2022 and a number of Section 73 applications have been subsequently approved, permitting changes to Plots 1 and 2 - the latest being 23/1809/FUL. This application relates solely to Plot 3 and no other changes are proposed to Plots 1 and 2 under this application.

7.1.3 The principle of works has therefore been approved and this application will solely focus on the acceptability of the changes proposed to Plot 3. The changes are listed at paragraph 3.2 above.

### 7.2 Design, impact on Character and Street Scene

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. 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. Crown roofs can exacerbate the bulk and massing of properties and are generally discouraged in favour of more traditional pitched roof forms.

7.2.3 With regards to size and scale of the proposed dwelling, regard is had to the comments made by the Inspector in determining the appeal for application 19/1483/AOD (APP/P1940/W/19/3242846). The comments on the scale and layout of the dwellings were as follows:

*“10. The appeal site is in a relatively large plot and as such the proposed development would not appear overlarge, relative to the overall plot size. Given the topography, boundary treatment and mature landscaping along the boundaries of the site, the proposal would only be visible over short distances from the adjacent properties and in limited glimpses between the buildings when passing the rear of the site. Given this context, to my mind, the development would not be unsympathetic to the streetscene nor would it appear cramped when taking into account the overall character of the area.*

*11. Turning to the scale and layout of the development. The layout of the development accords with the previously approved details from the outline planning application. The proposed dwellings would be seen in the context of the surrounding large two storey detached properties, including the large two storey detached dwelling with a catslide crowned roof at Millen House in the backland location immediately to the south of the site.*

*12. Against this backdrop, the scale, form and layout of the proposed dwellings would not look out of place or excessive in relation to the built form of the adjacent properties and the surrounding area. The design and layout of the proposed dwellings, set back and stepped down, together with the use of materials, fenestrations, landscaping and boundary treatment would ensure the proposal would sit relatively unobtrusively against the built form of the adjacent properties and would ensure that the overall proposal would not have a significant impact on the character and appearance of the surrounding area.*

*13. Consequently, I conclude that the proposed development would not cause significant harm to the character and appearance of the area. It would be consistent with the overall design aims of Policies CP1, CP3 and CP12 of the Three Rivers District Council Core Strategy 2011 (CS), and Policy DM1 and Appendix 2 of the Three Rivers District Council Development Management Policies Local Development Document 2013 (DMP). These policies seek, amongst other things, to ensure that development proposals are of a high standard of design that have regard to the local context and conserve and enhance the particular character and quality of an area.”*

7.2.4 Plot 3 is the most northern dwelling on site, to be built within a row of the three properties and the furthest from the access road. The proposed development would result in an increased footprint to the dwelling within Plot 3; however, the overall width of the dwelling would remain as previously approved, with only the central projection within the rear elevation which will be increased in depth. The increase is only 2m to bring it relatively in line with the rear elevation of the dwelling in Plot 2. As a consequence of this, the roof form of the dwelling will be altered including an increase in ridge height and a larger crown roof. Whilst it is increased in size, it is located centrally and set between the hipped roof which lessens its impact. During the application process an indicative street scene plan was

provided to show how the altered dwelling in Plot 3 would appear alongside Plots 1 and 2. The plan shows that the ridge of Plot 3 would be set higher than those of Plots 1 and 2 but given the separation distances and the hipped roof forms the differences in ridge heights would not be readily noticeable.

- 7.2.5 The raised patio area would be located behind the dwelling, it would extend the built form into the garden but there would still be an area laid to lawn between the dwelling and the rear boundary (approximately 12 metres) and the patio is considered proportionate to the dwelling and size of the plot.
- 7.2.6 Furthermore, when considering the positioning of the dwelling at the end of a private access road, set back a significant distance from Old Chorleywood Road and on a lower land level, there would be limited visibility of the dwelling from wider views on Old Chorleywood Road, Chorleywood Road or The Drive. Lastly, when considering the above comments of the Planning Inspector in respect to the character of the area and the design of the appeal scheme, it is not considered that the proposed development would result in unacceptable impact to the surrounding character of the area or the street scene.
- 7.2.7 This the fourth Section 73 application following the grant of Approval of Details application 19/1483/AOD but the first in connection with Plot 3. It is acknowledged that the guidance contained in the NPPG states that *'it is important to ensure that applications to discharge conditions or amend approved schemes do not undermine development quality'* (Paragraph: 015 Reference ID: 26-015-20191001). For, the reasons set out above it is not considered that the proposed changes would diminish the quality of the development such that planning permission should be refused.
- 7.2.8 As such, it is not considered that the proposed development results in any adverse impact to the character and appearance of the host dwelling or street scene and is acceptable in accordance with Policy CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies document (adopted July 2013).

### 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.'
- 7.3.2 Policy DM1 and Appendix 2 of the Development Management Policies LDD set out that residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.3.3 With regards to overlooking the Design Criteria states that distances between buildings should be sufficient so as to prevent overlooking, particularly from upper floors. As an indicative figure, 28 metres should be achieved, between the faces of single or two storey buildings backing onto each other. Mitigating circumstances such as careful layout and orientation, screening and window positions may allow a reduction of distances between elevations. In addition, windows of habitable rooms at first floor level should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7 metres (from internal floor level) and obscure glazed. High level windows with a cill height of 1.7 metres or more may be acceptable where a secondary light source is necessary. Ground floor windows should be located away from flank boundaries. Where flank windows to ground floor habitable rooms have to be incorporated, the boundary must be satisfactorily screened by a fence, wall or evergreen hedge.
- 7.3.4 In respect of impact to surrounding neighbouring properties the appeal Inspector in respect of the appeal scheme (APP/P1940/W/19/3242846) stated the following:

*“Whilst I accept that there would be some impact from the development, given the overall height and design of the proposed dwellings, set back and stepped down, together with the landscaping, boundary treatment, site levels and the separation distances between the properties, I consider that the proposed dwellings would not result in significant harm to the privacy, nor result in significant overlooking of the occupiers in the rooms and garden area at the rear of the adjacent properties at No.s 131, 133 and 135 (The Drive), nor dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of Nos. 131, 133, 135 and No.4 Goosefields.”*

- 7.3.5 The proposed alterations would result in the distance between the dwelling in Plot 3 and the rear boundary shared with 129 The Drive to be reduced - the distance would now be slightly under 16m. As originally approved this distance was approximately 18m. When factoring in the raised patio area, this distance would reduce to 12m at its closest point. Whilst the distance would be reduced, there is no change to the fenestration detail contained within the rear elevation and the raised patio would not give rise to any additional views towards The Drive when considering the approved fenestration within the rear elevation. A gap of approximately 40m would remain between the rear of the dwelling in Plot 3 and 129 The Drive which directly backs onto the application site. This distance would continue to exceed the 28m guidance detailed within Appendix 2. The alterations would not increase any harm regarding overlooking in comparison to the appeal scheme and the existing boundary treatment comprised of mature vegetation, tree coverage and screening in the form of close boarded fencing along the rear common boundary line would prevent any unacceptable levels of actual overlooking.
- 7.3.6 As previously mentioned, the proposed development would not increase the width of the dwelling and thus the distance to 4 Goosefields and 5 Bankside Down to the north and north-east respectively would remain as approved. Whilst there would be an increase the depth of the northern flank adjacent to 4 Goosefields, it would not be extending any closer to the boundary and a separation distance of approximately 21m would be retained. The ridge height of the new dwelling would be increased but its highest point would be hipped away from the common boundary with this neighbour. Similarly, 5 Bankside is located approximately 25m north-east of the proposed dwelling. As such, when factoring in the Inspector’s comments above, it is not considered that the amended scheme would give rise to any unacceptable impacts towards these neighbouring properties and is therefore considered acceptable. A condition is attached requiring the first-floor windows installed within the flank elevations to be fitted with obscured glazed and non-opening below 1.7m above internal floor level of the rooms they serve. Likewise, a condition would be attached requiring rooflights to be 1.7m above internal floor level of the room they serve.
- 7.3.7 Concerns were received regarding the rear patio and therefore officers sought further clarification from the applicant on the proposed patio so an assessment of its impact Goosefields could be fully understood. Additional plans were received which reduced the depth of the patio adjacent to the shared boundary with Goosefields. The patio would have a height of 2m at its deepest point; however, it would be off-set from the shared boundary with Goosefields by 3m. A total distance of 21m to the rear elevation of this neighbour would be maintained. Visibility of this neighbouring property is limited due to the existing vegetation and trees such that the patio would not appear unduly prominent or give rise to unacceptable levels of overlooking. The plans also detail the provision of a 1.8m high planting screen along the northern flank of the patio and a condition is attached to the recommendation requiring details of the screening to be submitted. 3D visuals of the rear patio have been provided which also show how the development would be viewed in the context of the site. When considering the amendments to the depth of the patio and the site circumstances it is not considered that any unacceptable levels of overlooking would occur to the detriment of Goosefields.
- 7.3.8 With regards to impact on the neighbouring Plot 2, this is the middle dwelling in the row of properties in this development site. The dwelling is currently under construction and is sited on a relatively similar land level to Plot 3. The submitted plans detail that planting screen at



1.8m in height would be erected along the edge of the patio adjacent to this neighbour which would prevent any direct overlooking, Furthermore, given the relatively uniform land level change towards the rear of there would mutual levels of overlooking towards the rear most parts of the site between each of these new properties. However, a condition requiring submission of details of boundary treatments would be submitted prior to occupation. As such, it is not considered the proposed patio would give rise to unacceptable overlooking towards Plot 2. With regards to the other major changes to Plot 3, they are primarily located to the north flank of the dwelling and would not impact on Plot 2.

7.3.9 Lastly, due to the siting of the dwelling on a lower land level those properties fronting Old Chorleywood Road, a distance of approximately 14m would exist between the front elevation of Plot 3 and the rear boundary of Banstead Down directly in front, along with a total distance of 40m to the rear elevation of this neighbour. The increase in height would not increase the prominence of the dwelling in Plot 3 relative to Banstead Down to result in harm to the residential amenities of this neighbour. Whilst the dwelling appears as three storeys; it would actually be read as a chalet style bungalow when viewed from Banstead Down due to the land levels and the sunken floors of the proposed dwelling.

7.3.10 In conclusion, is not considered that the proposed development would result in demonstrable harm to the residential amenities of neighbouring properties and the development is acceptable in accordance with Policy CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

#### 7.4 Amenity Space

7.4.1 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. Appendix 2 of the Development Management Policies LDD states that 'amenity space must be provided within the curtilage of all new residential developments'. The Design Criteria at Appendix 2 provides indicative levels of amenity space which should be attained as individual gardens. A four-bedroom dwelling should provide 105sq. metres of amenity space with an additional 21sq. metres per additional bedroom.

7.4.2 The proposed dwelling would contain six bedrooms requiring 147sqm of amenity space. The dwelling would benefit from large private amenity space measuring approximately 270sqm which would exceed the indicative level for a dwelling of this size and is considered acceptable.

#### 7.5 Highways, Access and Parking

7.5.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access to make adequate provision for all users, including car parking. Appendix 5 of the Development Management Policies document sets out parking standards for developments within the District.

7.5.2 Although the number of bedrooms would be increasing from four to six, the proposed development would not increase the parking requirements for Plot 3 which would remain at three off-street parking spaces. The dwelling would continue to benefit from a detached garage and a driveway which would provide sufficient off-street parking provision in accordance with Policy DM13 and Appendix 5 of the Development Management Policies LDD.

#### 7.6 Trees and Landscaping

7.6.1 Policy DM6 of the Development Management Policies LDD (adopted July 2013) states that development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local

amenity or nature conservation value. Policy DM6 further states that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development.

7.6.2 No trees would be affected as a result of the proposed development. Works have commenced on site and tree protection measures approved under application 22/2076/DIS are in place and are required to be maintained throughout the period of construction.

## 7.7 Wildlife and Biodiversity

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

7.7.2 Biodiversity protection and protected species are a material planning consideration during the application process of this application. This is in accordance with Policy CP9 of the Core strategy in addition to Policy DM6 of the Development Management Policies Local Development Document. Local Authorities, in line with National Planning Policy, are required to ensure that a protected species survey is completed for applications whereby biodiversity may be affected prior to the determination of the application.

7.7.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local Planning Authority is not aware of any protected species within the immediate area that would require further assessment.

## 7.8 Conditions

7.8.1 It is considered necessary to repeat all conditions attached to planning permission 23/1809/FUL to any planning permission granted under this application. Some of the conditions have been updated or removed in accordance with this planning application.

## **Recommendation**

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

C1 The development hereby permitted shall be carried out in accordance with the following approved plans: 2219-142-S01, OCWR RM001, OCWR001 Rev. B, OCWR RM 002, OCWR002, WDB2016R2, PD.02.04 (dated 17.08.2023), AZ/OCR/PL/002 REV-B, AZ/OCR/PL/003 REV-B, AZ/OCR/PL/004, AZ/OCR/PL/005, AZ/OCR/PL/006, and AZ/OCR/PL/007, AZ/OCR/PL/008 REV-B and AZ/OCR/PL/010, 2860-03 REV-W, 2860-04 REV-J and 2860 – 10 REV-B.

Reason: For the avoidance of doubt, and in the proper interests of planning in accordance with Policies PSP1, CP1, CP2, CP3, CP4, CP8, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM4, DM6, DM7, DM8, DM10 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013) and the NPPF.

C2 All landscape works shall be carried out in accordance with the details approved in the Landscaping Plan (Drawing no. OCWR RM001).

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: This condition is required to ensure the completed scheme has a satisfactory visual impact on the character and appearance of the area 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 DM6 of the Development Management Policies LDD (adopted July 2013).

- C3 Prior to first occupation of the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any of the dwellings are occupied and shall be retained thereafter.

Reason: To ensure that appropriate boundary treatments are proposed to safeguard the amenities of neighbouring properties and the character of the locality 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 Before the first occupation of the dwellings hereby permitted the first-floor flank windows in the north and south elevations shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

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

- C5 Prior to the first occupation of the dwelling within Plot 3, details of soft landscaping scheme including details of planting screen (e.g. evergreen species) to a height of 1.8m as measured from the surface of the rear patio to be erected to flanks of the rear patio and its future management shall be submitted to and approved in writing by the Local Planning Authority. The screening shall be erected prior to occupation of the dwelling in accordance with the approved details and maintained as such thereafter.

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

- C6 The rooflights hereby permitted within the roofslopes of the dwellings shall be positioned at a minimum internal cill height of 1.7m above the internal floor level.

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

## 8.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £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](mailto:buildingcontrol@hertfordshirebc.co.uk) who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at [www.hertfordshirebc.co.uk](http://www.hertfordshirebc.co.uk).

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. 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> Development Management Section prior to the commencement of work.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary).

In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 14 The applicant is reminded that the proposed signage shown on the submitted plans may require advertisement consent under separate cover.