

PLANNING COMMITTEE – 15 August 2024

24/0804/FUL - Construction of part single, part two storey side extension, single storey rear extension; front porch, partial garage conversion linking to main dwelling, addition of side dormer and rear terrace balcony; internal alterations and alterations to fenestration at HOLLY TREES, TROUT RISE, LOUDWATER, RICKMANSWORTH, WD3 4JR.

Parish: Chorleywood Parish Council
Expiry of Statutory Period: 24.07.2024

Ward: Chorleywood North And Sarratt
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be refused

Reason for consideration by the Committee: The application was called in by Chorleywood Parish Council unless Officers are minded to approve the application for the reason set out at 4.1.2.

To view all documents forming part of this application please go to the following website:

[24/0804/FUL | Construction of part single, part two storey side extension, single storey rear extension; front porch, partial garage conversion linking to main dwelling, addition of side dormer and rear terrace balcony; internal alterations and alterations to fenestration | HOLLY TREES, TROUT RISE, LOUDWATER, RICKMANSWORTH, WD3 4JR. \(threerivers.gov.uk\)](https://www.threerivers.gov.uk/24/0804/FUL)

1 Relevant Planning

- 1.1 07/1077/FUL – Substantial demolition of existing dwelling and rebuild including single storey front, two storey front, side and rear extensions and internal alterations to include a new detached garage – Permitted.
- 1.2 08/1072/FUL - Amendment to permission 07/1077/FUL: Substantial demolition of existing dwelling and rebuild, including single storey front, two storey front, side and rear extensions and internal alterations and detached garage to include: single storey rear extension with terrace above, fenestration changes to front elevation – Permitted.
- 1.3 11/1203/FUL - Renewal of 08/1072/FUL: Amendment to planning permission 07/1077/FUL for substantial demolition of existing dwelling and rebuild, including single storey front, two storey front, side and rear extensions and internal alterations. Detached garage to include single storey rear extension with terrace above, fenestration changes to front elevation – Permitted.
- 1.4 21/2132/FUL - Demolition of existing garage, part single, part two storey rear extension, first floor balcony, two storey side extension, loft conversion including replacement roof, increase in ridge height and rear dormers, front porch, single storey front/side extension to accommodate a double garage and alterations to driveway – Withdrawn.
- 1.5 21/2869/FUL - Demolition of existing garage, part single, part two storey rear extension, first floor balcony, two storey side extension, part single, part two storey front extension, replacement roof and increase in ridge height and construction of detached garage to front and alterations to driveway- Refused for the following reasons:

R1: The proposed extensions by virtue of their scale, siting and design would result in unsympathetic additions which fail to preserve or enhance the character or appearance of the host dwelling and wider Loudwater Conservation Area. The existing dwelling is of architectural merit and positivity contributes to the character and appearance of the conservation area. As a result of the extensions proposed a significant proportion of the existing house will be demolished. The resultant extensions would neither preserve nor

enhance the original character of the house, thereby resulting in less than substantial harm to the heritage asset. Additionally, by virtue of its siting, scale and design the proposed garage would also appear as an unduly prominent and unsympathetic addition to the application site resulting in unacceptable harm to the character of the streetscene and setting of the Conservation Area. No public benefits have been identified which outweigh the identified harm. The development would therefore be 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 Loudwater Conservation Area Appraisal (2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan and the NPPF (2021).

R2: In the absence of elevations confirming the height and form of the raised decking area it has not been demonstrated that this element would not give rise to unacceptable loss of privacy to neighbouring properties. Therefore in the absence of elevations, this element fails to comply with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

R3: In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental impact on the protected on site trees, given the proximity of the proposed development to the root protection area of the trees within the rear garden and the extent of ground and surface works required. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected trees contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and paragraph 131 the NPPF (2021).

Appeal dismissed.

- 1.6 22/0229/FUL - Single storey rear extension, two storey side extension, replacement roof with 3 no dormers to rear, new porch, attached garage and alterations to driveway configuration – Refused for the following reasons:

R1: The proposed extensions including the proposed attached garage by virtue of their scale, siting and design would result in unsympathetic additions which fail to preserve or enhance the character or appearance of the host dwelling and wider Loudwater Conservation Area. The existing dwelling is of architectural merit and positivity contributes to the character and appearance of the conservation area. As a result of the extensions proposed a significant proportion of the existing house will be demolished. The resultant extensions would neither preserve nor enhance the original character of the house, thereby resulting in less than substantial harm to the heritage asset. No public benefits have been identified which outweigh the identified harm. The development would therefore be 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 Loudwater Conservation Area Appraisal (2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan and the NPPF (2021).

R2: In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental impact on the protected on site trees, given the proximity of the proposed development to the root protection area of the trees within the rear garden and the extent of ground and surface works required. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected trees contrary to Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and paragraph 131 the NPPF (2021).

2 Description of Application Site

- 2.1 The application site is an irregular shaped plot located on the southern side of Trout Rise, Loudwater. The application dwelling is a two storey detached dwelling with some first floor accommodation served by a side dormer within a catslide roof feature. To the rear is an existing single storey rear projection built of brick which also includes a first floor terrace. The application dwelling is of a typical Arts and Crafts design which retains many characterful features reflective of this architectural style.
- 2.2 Land levels slope down from the highway towards the rear of the application site. To the front of the application site is a driveway with an area of soft landscaping. There are existing detached outbuildings/sheds to the eastern side of the site. To the rear are raised sections of decking and areas laid as lawn.
- 2.3 To the west of the application site is 'Stepping Stones' which is a McNamara style dwelling with a thatched roof.
- 2.4 To the east is Cherry Hill Cottage which is a two storey dwelling. This neighbour sits further back in the plot than the application dwelling.
- 2.5 The application site is located within the Loudwater Conservation Area. The area is also covered by an area wider Tree Preservation Order (TPO 231).

3 Description of Proposed Development

- 3.1 This application seeks full planning permission for the construction of part single, part two storey side extensions including side dormer and rear balcony, single storey rear extension; front porch, partial garage conversion linking to main dwelling; internal alterations and alterations to fenestration.
- 3.2 A side extension is proposed to the western side of the dwelling. This element would have a width of 4m beyond the existing main flank. It would have a depth of 4.4m, in line with the existing main front elevation. First floor accommodation would also be facilitated by the creation of a catslide roof form which would extend from the existing eaves to the eaves of the ground floor of the single storey side extension. A side dormer would also be inserted within the new catslide roof which would have a depth of 2.8m, a height of 1.5m and a width of 2m. The existing front canopy would also be extended across this element.
- 3.3 A part single, part two storey extension is also proposed to the eastern side of the site which would connect the existing main dwelling to the existing detached garage. The existing gap between the two elements is splayed as the rear elevation of the garage is orientated away from the main dwelling. Therefore the proposed extension would also be splayed at ground floor level but the main two storey section would be parallel with the main dwelling. The two storey section would have a width of 4m infilling the gap to the front and would have a depth of 7m and would extend 1.2m beyond the existing main rear elevation. The main two storey section would have a pitched roof, set down 1m from the main ridge and would have Dutch hips to the front and rear and a catslide to the east. This element would be connected to the main dwelling by a new sideways ridge, 6.5m in width. The single storey element would have a flat roof with a height of 2.8m.
- 3.4 A first floor balcony is also proposed to the rear elevation of the two storey side extension. It would have a depth of 0.8m and a width of 2.5m.
- 3.5 The proposal includes a single storey rear extension which would extend 2.6m in line with the main western flank. It would have a width of 7.9m with the existing rear projection removed to facilitate this. This element would have a hipped roof with a height of 3.8m.
- 3.6 A rooflight is also proposed within the existing catslide roof form.
- 3.7 An existing first floor front window would be enlarged by one casement and the existing rear French doors replaced with a window.

4 Consultation

4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Chorleywood Parish Council (1st response): [Call in unless Officers minded to approve].

The Committee had no Objections to the application but would ask that the application be Called-In if it is proposed for refusal.

4.1.2.1 Chorleywood Parish Council (clarification): [Call in unless Officers minded to approve].

Please note the request for Call In request is only if the Planning Officer is minded to refuse the application, and not a blanket request this happen. The Chair of the Planning Committee advises as follows:

Applications for this site have previously been refused on Conservation Grounds. The Committee is happy that this application is acceptable on these grounds and, therefore, if this application is recommended for refusal on these grounds by TRDC's Planning Officer we would ask that the application be considered by the full TRDC Planning Committee.

4.1.3 Conservation Officer: [Objection].

This application is for the construction of part single, part two storey side extension, single storey rear extension; front porch, partial garage conversion linking to main dwelling, addition of side dormer and rear terrace balcony; internal alterations and alterations to fenestration.

The property is located in the Loudwater Estate Conservation Area. The area's significance derives from the surviving Arts and Crafts dwellings in a variety of styles, designs and materials. The properties are set within generous plots surrounded by mature planting providing a verdant and undulating landscape. Holly Trees is of a typical Arts and Crafts design with a catslide roof, exposed rafter feet, traditional materials and asymmetrical form. Therefore, the property is considered to make a positive contribution to the significance of the Conservation Area by virtue of its derivation, form, scale and appearance.

The proposed extensions would substantially increase the scale and massing of the dwelling, resulting a sprawling footprint. Cumulatively, the extensions would not be appear subservient to the host dwelling and would too far alter the existing, characterful appearance of the property. The proposed extensions would result in a convoluted composition and detract from the simple but attractive, asymmetrical form of the property. The catslide roof with dormer to the right-hand elevation would undermine the defined building line and views of the attractive chimney. The proposed extensions would detract from the architectural interest of the property and the positive contribution it makes to the Conservation Area. Linking the principal dwelling to the garage would also raise concerns as this would dilute the hierarchy of built form on the site. The proposed rooflight would be visible from the streetscene and would not be supported in principle.

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. 'Great weight' should be given to the heritage asset's conservation as per paragraph 205.

4.1.4 HCC Footpath Section: No response received.

4.1.5 TRDC Tree and Landscape Officer: No response received.

4.1.6 Herts Ecology: [No objection].

Thank you for consulting this office on the above application.

Overall Recommendation:

- *Application can be determined with no ecological objections (with any conditions/Informatives listed below).*

Summary of Advice:

- *Sufficient information has been provided in respect to protected species (bats).*

Supporting documents:

I have made use of the following documents in providing this advice:

- *Bat Survey Report – NKM Associates (December 2023)*

Comments:

A Preliminary Roost Assessment has been carried out at the property in accordance with best practice. This assessment found the property to have negligible suitability for roosting bats and I find no reason to dispute these findings. The likelihood of adverse impacts occurring to bats as a result of this proposal will likely be negligible. However, in the unlikely event that bats are found, given the proposal will involve modification to areas of the roof, I advise a precautionary approach to the works is taken and recommend the following Informative is added to any permission granted.

“If bats, or evidence for them, are discovered during the course of works, work must stop immediately, and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England to avoid an offence being committed.”.

4.2 Public/Neighbour Consultation

4.2.1 Neighbours consulted: 6

4.2.2 Responses received: 10, all supporting comments.

4.2.3 Summary of comments received:

- Final house will be attractive family home in keeping with neighbourhood.
- Will better meet the needs of the average sized family.
- Aesthetic sympathetic to the original property.
- Small compared to other extensions being carried out in Conservation Area.
- Preserve the McNamara design in the estate
- Preserves and enhances the character of the existing dwelling and Conservation Area.

4.2.4 Site Notice: Expired 26.06.2024.

4.2.5 Press notice: Expired 28.06.2024.

5 Reason for Delay

5.1 Committee cycle.

6 Relevant Planning Policy, Guidance and Legislation

6.1 Legislation

- 6.1.1 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise as set out within S38 (6) Planning and Compulsory Purchase Act 2004 and S70 of Town and Country Planning Act 1990).
- 6.1.2 S72 of Planning (Listed Buildings and Conservation Areas) Act 1990 requires LPAs to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.1.3 The Localism Act received Royal Assent on 15 November 2011. The Growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- 6.1.4 The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.
- 6.1.5 The Environment Act 2021

6.2 National Planning Policy Framework and National Planning Practice Guidance

In 2023 the new 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 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, DM8, DM13 and Appendices 2 and 5.

The Chorleywood Neighbourhood Development Plan (Referendum Version August 2020). Relevant policies include: Policies 1 and 2.

6.4 Other

Loudwater Estate Conservation Area Appraisal 2013.

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

7 **Planning Analysis**

7.1 Background and Planning History

7.1.1 In 2007 planning permission was granted (via 07/1077/FUL) and amended in 2008 (via 08/1072/FUL) for substantial demolition of the existing dwelling and significant extensions. That permission was not implemented and was renewed in 2011 (via 11/1203/FUL).

7.1.2 Application 21/2869/FUL sought planning permission for an identical scheme as that approved via 11/1203/FUL. Due to the time that has elapsed and changes in planning policy it was considered by officers that only limited weight can be attached to the 2011 consent as outlined below:

Therefore this necessitates consideration to be given as to the weight which can be attached to the previous permissions. The 2011 consent elapsed in July 2014. Therefore there are no extant permissions which can be implemented at the application site. 8 years have passed since this permission expired which is considered to be a reasonably long period of time in planning terms.

However not only has there been an 8 year period since the 2011 consent expired but there has been an overwhelming change in the policy framework in this interim period. The NPPF, Local Development Framework, Chorleywood Neighbourhood Plan and Loudwater Conservation Area Appraisal have all been adopted since consent was granted in 2011. Thus all policies within the development plan against which this application needs to be assessed have changed. As such the weight which can be attached to the previous consents has diminished and is now only afforded limited weight.

7.1.3 That application was refused planning permission and the subsequent appeal dismissed.

7.1.4 Following the abovementioned refusal, planning application 22/0229/FUL was submitted. This proposed more works than those subject to 11/1203/FUL and 21/2869/FUL including additional roof extensions. This scheme was subsequently refused. No appeal was lodged against that decision.

7.1.5 Whilst the current application is materially different and is assessed in full below, the planning and appeal history are material considerations..

7.2 Impact on the character and appearance of the host dwelling and the locality including the heritage asset

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. Policy DM3 requires development to preserve or enhance the character and appearance of the Conservation Area.

7.2.2 Policy 1 of the Chorleywood Neighbourhood plan outlines that development within the Loudwater Conservation Area should have regard to the relevant part of Annex C1 and

should preserve or enhance the character of the Conservation Area. Policy 2 of the Chorleywood Neighbourhood Plan states:

'All development should seek to make a positive contribution to the 'street scene' by way of frontage, building line, scale and design.'

- 7.2.3 The test set out in Policy DM3 outlines that proposals must seek to preserve or enhance the character and appearance of the Conservation Area. By virtue of the overall scale of the proposed extensions it is not considered that the proposal complies with this test as the extensions would subsume the form of the existing dwelling to the detriment of its character. Thus resulting in adverse impacts to the wider Conservation Area and therefore resulting in less than substantial harm to the heritage asset contrary to the NPPF. This is expanded upon further below.
- 7.2.4 Holly Trees is pictured in the Loudwater Conservation Area Appraisal document which indicates that it has some significance within the Conservation Area. As also outlined by the Conservation Officer in their comments pursuant to previous proposals the existing dwelling has a number of features which are typical of the Arts and Crafts style. Furthermore the Conservation Area's significance derives from the surviving Arts and Crafts dwellings in a variety of styles, designs and materials. As such examples of dwellings which possess these characteristics would be considered to make a positive contribution to the Conservation Area and their loss would be resisted.
- 7.2.5 Appendix 2 of the DMP LDD outlines that two storey side extensions should be set in a minimum of 1.2m from the side boundary, however additional spacing may be sought in areas of lower density. The proposed two storey side extension to the western side would be set in over 1.5m from the boundary and as such would provide sufficient spacing to respect the spacious character of the Conservation Area. Nevertheless maintaining adequate spacing does not in itself automate the acceptability of a scheme. As set out above the application dwelling has a number of characterful features and a form which makes a positive contribution to the Conservation Area. It is noted that the proposed side extension would not extend the full depth of the application dwelling. However the proposed extension would be in line with the main front elevation and whilst it would have a catslide roof form it would undermine the existing characterful form of the dwelling. Catslide roof forms are a characteristic feature of the architectural style of the application dwelling however by replicating this feature to the western side this erodes the existing lack of symmetry which contributes to the character of the existing dwelling. The existing bay would also be replicated and the existing canopy extended. An additional bay would appear awkward and would erode the contribution that which exists makes. The resultant canopy would appear excessively wide which would further exacerbate the lack of subservience achieved by the extension. Furthermore by virtue of its siting this side extension diminishes the visual appreciate of the existing characterful chimney as experienced from the frontage. The proposed side dormer window would appear subservient in its form however it's width and height result in its appearance as being awkward within the new catslide roof form. The horizontality of the side dormer is further exacerbated by the triple casement window.
- 7.2.6 The existing dwelling does have an unsympathetic dormer window to the western side. However it is contained within the catslide roof form and is detailed and of a proportion that does not detract significantly from the character of the main dwelling such that its removal would justify larger extensions.
- 7.2.7 The proposal includes a part single, part two storey infill extension between the main dwelling and the existing ancillary outbuilding, replacing the existing side dormer window. This extension would project rearwards of the existing main rear elevation. Whilst the existing garage does add built form to the eastern side of the site the existing gap gives rise to its clear appearance as an ancillary building. The proposed extension would not only diminish the ancillary appearance of the existing outbuilding but would also give rise to a sprawling footprint. The proposed extension fails to appear subservient to the host dwelling

and undermines the plan form of the main dwelling. The incongruous nature of the proposed extension is also exacerbated by the resultant convoluted roof forms. The introduction of a stand alone two storey element with a catslide roof form and Dutch hips appear awkward in the context of its siting and the form of the main dwelling. As previously outlined introducing roof forms or features that are reflective of a certain style does not automate acceptability of an extension. The use of character features must be used so as to appear sympathetic to the host dwelling. This is not achieved by the proposal. Overall the proposed infill extension would appear as an incongruous and unsympathetic form of development detracting from the character of the main dwelling.

- 7.2.8 Whilst a rear balcony may not be unacceptable in principle the balustrading lacks congruity with the character of the dwelling with its unduly contemporary appearance.
- 7.2.9 The comments of the Conservation Officer are noted in respect of the side rooflight. However there are other visible rooflights in the locality. Subject to a condition requiring further details of the rooflight it is not considered that this element, in isolation, would be unacceptable.
- 7.2.10 Appendix 2 of the DMP LDD outlines that single storey rear extensions should not generally exceed a depth of 4m. The proposed single storey rear extension would not exceed the guidance of Appendix 2. Given its limited width, contained to the main part of the host dwelling and hipped roof form it is considered that this element, in isolation, would be a subordinate addition to the host dwelling. However it further adds to the cumulative excessive spread of floorspace which arise from the other extensions.
- 7.2.11 The proposed side extensions would diminish the characterful features of the host dwelling which currently makes a positive contribution to the Conservation Area. Thus the proposal fails to preserve or enhance the character of the heritage asset. It is therefore concluded that the proposed extensions would result in less than substantial harm to a heritage asset which in this case is the Conservation Area. Paragraph 208 of the NPPF outlines that this harm can be outweighed by the evidence of public benefits. However in this case it is not considered that any public benefits exist to outweigh the identified harm.
- 7.2.12 For the reasons set out above the proposal is considered unacceptable on its own merits. This scheme is materially different to previous schemes however has not overcome previous reasons for refusal.
- 7.2.13 In summary, by virtue of their scale, siting and design, the proposed extensions would result in unsympathetic additions which fail to preserve or enhance the character or appearance of the host dwelling and wider Loudwater Conservation Area, thereby resulting in less than substantial harm to the heritage asset. No public benefits have been identified which outweigh the identified harm. The development would therefore be 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 Loudwater Conservation Area Appraisal (2013) and the NPPF (2023) and Policies 1 and 2 of the Chorleywood Neighbourhood Plan.

7.3 Impact on amenity of neighbours

- 7.3.1 Policy CP12 of the Core Strategy states that development should 'protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space'. Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not result in loss of light to the windows of neighbouring properties nor allow overlooking and should not be excessively prominent in relation to adjacent properties.
- 7.3.2 The proposed two storey extension to the eastern side of the main dwelling would increase the level of built form adjacent to the neighbour at Cherry Hill Cottage. However would

remain set in a minimum of 4.2m from the boundary with further spacing achieved towards the rear. Given this in addition to the siting of this neighbour, set back from the application dwelling and its orientation away from the boundary it is not considered that this element of the proposed development would result in an unacceptable overbearing impact or loss of light to their amenity.

- 7.3.3 The proposed side extension to the western side of the main dwelling would be set in a minimum of 2.5m from the boundary with Stepping Stone, with spacing increasing towards the frontage. Given the spacing achieved, and that the neighbour is set back from the application dwelling it is not considered that this element of the proposed development would result in an unacceptable overbearing impact or loss of light to their amenity.
- 7.3.4 The proposal also includes a first floor balcony. Whilst balconies are generally resisted in residential areas by Appendix 2 in this case the balcony proposed would be set in 8.8m from the boundary with Cherry Hill Cottage and 16m from Stepping Stones. Owing to the separation distances at siting of both neighbours set back from the application site the proposed balcony would not afford direct views to the private rear patios or windows of either neighbour. However to prevent unacceptable perception of overlooking a 1.8m obscure glazed screen would be conditioned to the side of the balcony.
- 7.3.5 The window within the side dormer window which would be inserted in the side extension facing Stepping Stones would be conditioned to be obscure glazed and top level opening to prevent overlooking to this neighbour.
- 7.3.6 Appendix 2 of the DMP LDD outlines that single storey rear extensions to detached dwellings should not generally exceed a depth of 4m.
- 7.3.7 The single storey rear extension would have a depth of 2.6m and as such would not exceed the guidance of Appendix 2. The proposed single storey rear extension would not be readily apparent to the neighbour at Cherry Hill Cottage. Whilst it could be visible to Stepping Stones, owing to its compliance with Appendix 2, its siting 5.7m from the boundary and its hipped roof form it is not considered that it would result in an unacceptable overbearing impact or loss of light to this neighbour.
- 7.3.8 In summary, the proposed development would not result in any adverse impact on the residential amenity of any neighbouring occupier so as to justify refusal of the application and the development would therefore be acceptable 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).

7.4 Highways & Parking

- 7.4.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards.
- 7.4.2 Appendix 5 outlines that dwellings with four or more bedrooms should provide 3 on-site parking spaces. The existing site frontage could accommodate at least 3 cars thus would comply with the guidance of Appendix 5.

7.5 Rear Garden Amenity Space

- 7.5.1 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.
- 7.5.2 Appendix 2 requires 105sqm to be provided for a four bedroom dwelling. The application site would retain approx. 750sqm of amenity space and as such would exceed the requirements of Appendix 2 in this respect.

7.6 Trees & Landscape

- 7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.6.2 Paragraph 131 of the NPPF outlines that trees make an important contribution to the character and quality of urban environments. Paragraph 174 further adds that planning decisions should contribute to the natural and local environments and should recognise the benefits of trees and woodland.
- 7.6.3 The application site is located within a Conservation Area and as such all trees are protected. The site is also covered by TPO 231.
- 7.6.4 There are a number of mature trees within the application site including a Pine and an Acacia tree within the rear garden. These trees are visible from the streetscene and do have amenity value, particularly the Acacia tree which stands tall between the gap in the dwellings.
- 7.6.5 This application has been accompanied by an Arboricultural Impact Assessment. The submitted report notes that development will take place within the RPA of the on site Scots Pine and Robina trees. However the development would take part in a small portion of the RPA and as such would not impact the long term health of the trees. Subject to the attachment of a condition requiring the development to be carried out in accordance with the submitted details it is not considered that the development would result in short or long term unacceptable impacts to on site trees.
- 7.6.6 As such the development would be acceptable in accordance with Policy DM6 of the DMP LDD and has overcome previous reasons for refusal in this respect.

7.7 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 The protection of biodiversity and protected species is a material planning consideration in the assessment of this application in accordance with Policy CP9 of the Core Strategy and Policy DM6 of the Development Management Policies document. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications where biodiversity may be affected prior to the determination of a planning application.
- 7.7.3 The application has been submitted with a Preliminary Roost Assessment which has been reviewed by Herts Ecology. Herts Ecology identified that the PRA confirmed the dwelling as having negligible suitability for bats. They had no reason to dispute these findings. As such a precautionary informative only is recommended.

7.8 Mandatory Biodiversity Net Gain

- 7.8.1 Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions as set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

7.8.2 In this case, the applicant has confirmed that if permission is granted for the development to which this application relates the biodiversity gain condition would not apply because the application relates to householder development.

8 Recommendation

8.1 That PLANNING PERMISSION BE REFUSED for the following reason:

R1: The proposed extensions by virtue of their scale, siting and design would result in unsympathetic additions which fail to preserve or enhance the character or appearance of the host dwelling and wider Loudwater Conservation Area, thereby resulting in less than substantial harm to the heritage asset. No public benefits have been identified which outweigh the identified harm. The development would therefore be 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 Loudwater Conservation Area Appraisal (2013), Policies 1 and 2 of the Chorleywood Neighbourhood Plan and the NPPF (2023).

8.2 Informative

I1 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 has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. Whilst the applicant and the Local Planning Authority engaged in pre-application discussions, the proposed development fails to comply with the requirements of the Development Plan and does not maintain/improve the economic, social and environmental conditions of the District.