

## PLANNING COMMITTEE – 12 September 2024

**24/1018/FUL - Construction of lower ground floor level, and part single, part two storey rear extension and first floor front extension; conversion of garage into habitable accommodation; loft conversion including side/rear rooflights internal alterations and alterations to fenestration detail at 44 RUSSELL ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LR.**

Parish: Batchworth Community Council                      Ward: Moor Park and Eastbury  
Expiry of Statutory Period: 16.09.2024 (Extension of time agreed)      Case Officer: Lauren Edwards

Recommendation: That Planning Permission be GRANTED.

Reason for consideration by the Committee: The application was called in by Batchworth Community Council unless Officers are minded to refuse the application, for the reasons set out at 4.1.2.

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

[Construction of lower ground floor level, and part single, part two storey rear extension and first floor front extension; conversion of garage into habitable accommodation; loft conversion including side/rear rooflights; erection of rear gables and rear terrace balcony, internal alterations and alterations to fenestration detail at 44 RUSSELL ROAD, MOOR PARK, NORTHWOOD, HERTFORDSHIRE, HA6 2LR \(threerivers.gov.uk\)](https://www.threerivers.gov.uk)

### 1 Relevant Planning

- 1.1 W/1090/55 – House and garage – Permitted and implemented.
- 1.2 8/611/80 – Two storey side and single storey rear extension – Permitted.
- 1.3 8/422/81 – Erection of gates and railings – Permitted and implemented.
- 1.4 8/574/81 – Two storey side extension – Permitted and part implemented.
- 1.5 8/482/87 – Single storey rear extension – Permitted and implemented.
- 1.6 23/0840/FUL - Construction of part single, part two storey front/rear extensions; conversion of garage into habitable accommodation; loft conversion including side/rear rooflights and rear balconies; erection of front/rear gables, alterations to land levels; relocation of entrance door, internal alterations and alterations to fenestration detail – Refused for the following reasons:

*R1 The proposed extensions, by virtue of their design and significant scale, would result in prominent additions and the substantial demolition of the existing pre-1958 dwelling (including key characteristic features) which positively contributes to the Moor Park Conservation Area. The proposed extensions would therefore unacceptably erode and result in the total loss of large parts of the dwelling to such an extent that they 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).*

*R2 In the absence of sufficient information, it has not been demonstrated that the development would not have a detrimental impact on the adjacent Fir Tree at No.48 Russell Road, given the proximity of the proposed development to the root protection area of the tree 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).*

*R3 In the absence of sufficient information, it has not been demonstrated that the proposed development which results in significant roof alterations would not have an adverse impact on any protected species which may be present within or use the site. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on protected species or their habitats contrary to Policies CP1 and CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).*

- 1.7 23/1550/FUL - Construction of part single, part two storey front/rear extensions; conversion of garage into habitable accommodation; loft conversion including rear dormer windows and side/rear rooflights; rear balcony; erection of front/rear gables, alterations to land levels; relocation of entrance door, internal alterations and alterations to fenestration detail-Refused for the following reasons:

*R1 The proposed extensions, by virtue of their design and significant scale, would result in prominent additions and the substantial demolition of the existing pre-1958 dwelling (including key characteristic features) which positively contributes to the Moor Park Conservation Area. The proposed extensions would therefore unacceptably erode and result in the loss of large parts of the dwelling to such an extent that they 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 (2023).*

*R2 In the absence of sufficient information it has not been demonstrated that the development would not have a detrimental impact on biodiversity and protected species on the site. Therefore necessary consideration and appropriate mitigation cannot be given to the impact of the development on biodiversity and protected species which is contrary to Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).*

## **2 Description of Application Site**

- 2.1 The application site contains an attractive detached two storey dwelling sited on the western side of Russell Road, Moor Park. The application dwelling is a pre-1958 property built in an Arts and Craft style.
- 2.2 The application dwelling has been previously extended with the addition of a two storey side extension to the southern side of the existing dwelling which also extends above the original front garage projection with a catslide roof. The application dwelling also has an existing single storey rear extension, the roof of which is 'cut in' between the main rear elevation and main roof form of this element in order to provide outlook for the first floor window.

- 2.3 Land levels within the application site slope upwards from the highway towards the rear. To the front of the application site is a tarmac carriage driveway. To the rear is a patio with a large sloping area of lawn.
- 2.4 The neighbour to the north at No.42 is a two storey detached dwelling built in a mock Georgian style. This dwelling has two rearward gable features which extend roughly in line with the existing single storey rear projection at the application dwelling.
- 2.5 The neighbour to the south, No.48, is a two storey detached dwelling. The rear elevation of this neighbour is angled slightly away from the application site and has an existing single storey rear projection. There is no 'No.46' Russell Road.
- 2.6 The application site falls within the Moor Park Conservation Area. There is a TPO tree to the site frontage (TPO469 - Cedar).

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

- 3.1 This application seeks full planning permission for the construction of lower ground floor level, and part single, part two storey rear extension and first floor front extension; conversion of garage into habitable accommodation; loft conversion including side/rear rooflights; internal alterations and alterations to fenestration detail.
- 3.2 The proposed part single, part two storey rear extension would have a depth of 6.5m in line with the existing single storey rear projection at ground floor level and 4.5m at first floor level. The extension would be set in 1.3m from the southern flank and 1.3m from the northern flank at first floor level. The proposed two storey rear extension would have a double hipped roof form set down 0.5m from the main ridge. A crown roof would be added to the single storey element with a maximum height of 4m.
- 3.3 A lower ground floor basement would be constructed which would extend underneath the single storey rear extension and central portion of the main dwelling. Two lightwells would also be constructed to the rear which would each have a width of 5m and a depth of 3.2m in line with the flanks. Railings would enclose these features which would have a height of 1m above ground level. The basement would be 3m below ground level.
- 3.4 The existing eyelid dormer to the front would be replaced with a front dormer which would have a curved form with a height of 1.7m, width of 2m and a depth of 1.2m.
- 3.5 Loft accommodation is proposed which would be served by the roof of the two storey rear extension and six rear rooflights (four within the inward roof slopes of the two storey rear projection).
- 3.6 The existing garage would be converted and the door replaced with a 5 casement window.
- 3.7 Amended plans have been received to reduce the width of the first floor rear extension, setting it in from both flanks and altering the proposed roof form from a triple pitch to a double hip.
- 3.8 This application follows the refusal of application reference 23/1550/FUL. The applicant engaged in pre-application discussions following the refusal and the differences between the current proposal and the refused scheme are summarised below:
- Omission of the majority of the alterations to the front elevation which previously included part single, part two storey extensions to the whole elevation. The form of the existing front elevation now remains save for the alterations to the existing eyelid dormer described at 3.4 above.
  - Reduction to the width of the two storey rear extension at first floor level and omission of rear dormers.

- Introduction of a basement.
- Submission of further bat surveys and a basement impact assessment.

## 4 Consultation

### 4.1 Statutory Consultation

4.1.1 National Grid: [No response received]

4.1.2 Batchworth Community Council: (First comments - Objection)

*This is a massive overdevelopment resulting in the destruction of the original host dwelling. Six roof lights are shown on the roof plan, yet there is not a plan for the fourth floor/ loft area.*

*This building will NOT conserve or enhance the street scene. There is no benefit to outweigh the harm. BCC are currently awaiting further information from Moor Park 1958.*

4.1.3 Batchworth Community Council: (Second comments: Call in unless Officers minded to refuse)

With reference to application No 24/1018/FUL, we have now received comments from Moor Park 1958 Ltd. We fully concur with the objections put forward and request this application is called into committee unless officers are minded to refuse.

4.1.4 Conservation Officer: [Objection].

*This application is for the construction of lower ground floor level, and part single, part two storey rear extension and first floor front extension; conversion of garage into habitable accommodation; loft conversion including side/rear rooflights; erection of rear gables and rear terrace balcony, internal alterations and alterations to fenestration detail.*

*The property is located in the Moor Park Conservation Area. The property is a pre-1958 dwelling which has been subject to later extensions. Despite the extensions, the original scale, form and appearance of the dwelling remains appreciable, and the property makes a positive contribution to the character and appearance of the Conservation Area.*

*There would be no objection to sympathetically extending the property at two-storeys to the rear. However, the proposed scale and appearance of the proposed extensions would not be sympathetic to the host dwelling.*

*The proposed rear extensions appear disproportionate to the host building. The large basement extension would result in the rear elevation being three-storeys in scale and would not reflect the prevailing building scale within the Conservation Area. The basement extensions project beyond the rear building line and would have balustrading to the flat elements at ground floor and full height glazing to the elevations, this would exacerbate the bulk and visual impact of the basement. There may be scope for a basement, but it should not be visible. The depth of the ground floor extension combined with the basement additions would project more than 8m from the original rear elevation and would not be a subservient addition to Number 44.*

*The scale of the two-storey element would result in an overly dominant and bulky addition to the rear; the span of the extension means that the height and width of the roof would not relate proportions of the host dwelling. It may be more appropriate to mimic the proportions of the northern gabled projection to the front elevation as this would better harmonise with the scale/proportions of the property. There is an attractive canted bay under a gabled roof to the rear elevation, this is a positive feature and there is a strong preference to retain it.*

*The single storey extensions would relate poorly to the host building due to its position within the rear elevation and the untraditional roof form. The quantity of glazing as well as the arrangement and position of the fenestration would appear at odds within the rear elevation. It would also not relate to the traditional appearance and proportions of the fenestration to the front.*

*I acknowledge that the scheme has been amended since the initial submission, but this does not go far enough to address previous concerns.*

*There would be no objection to the conversion of the garage to a habitable room and the dormer would be a modest addition to the front elevation. However, there are concerns regarding the proposed enlargement of the first-floor window, altering original apertures would erode the character of the pre-1958 dwelling. I recommend that the existing opening is retained to preserve the architectural interest of the property.*

*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.*

#### 4.1.5 Moor Park 1958 Ltd: [Objection]:

*The Directors of Moor Park (1958) Limited strongly object to the proposals contained in this application.*

*It is noted that changes have been made to reduce the impact on the Conservation Area set out in the refusal notices of previous applications but, the proposal now includes substantial basement works extending the built area further to the rear of the dwelling than that contained in previous applications which were refused, and resulting in a site coverage of about 22%, as opposed to that set out in the Moor Park Conservation Area Appraisal of 15%. The proposal also results in substantial bulk being created to the rear of the property which will be unneighbourly and result in a reduction in sunlight to and overshadowing of adjoining properties.*

*It is also noted that the plans contain various errors which ought to be rectified prior to consideration of the application. For example, the floor plans show windows either side of the centre front gable section being altered, whilst the elevation only shows one being altered. The front elevation also shows the front door being altered, but there is no indication as to how this is changing from the existing. There is also a dormer windows shown on the floor plans which is not shown on elevations. The description of the application makes no reference to the provision of new windows at first floor level in both the north and south flank elevations, but the plans do! There is also an inconsistency in this as the elevations of north flank wall show four new windows at first floor level, whilst the floor plan only shows three.*

*The proposal will result in substantial harm to this pre-1958 house and the Moor Park Conservation Area, and has not addressed the principle issues resulting in the refusal of previous applications, in that the proposed extensions by virtue of their design and significant scale result in prominent additions as well as the substantial demolition of the existing pre-1958 dwelling (including key characteristic features) which positively contributes to the Moor Park Conservation Area. The proposal fails to preserve the character and appearance of the house and will result in a loss of openness of the site and harm the character and appearance of the Moor Park Conservation Area. It would also result in a detrimental impact on adjoining neighbours and should be refused permission.*

#### 4.1.6 Moor Park 1958 Ltd (second response): [Objection maintained].

*Thank you for your letter of the 22<sup>nd</sup> August informing us that revised plans had been received in respect of Application 24/1018/FUL for 44 Russell Road. Whilst we note that the revised plans that appeared on your website on the 23<sup>rd</sup> August address the comments we previously made about errors contained within the drawings, they do not address any of the major issues raised in respect breach of policy. The issue of the substantial breach of the site coverage set out in the Moor Park Conservation Area Appraisal and the size and bulk of the proposed development, remain. These aspects of the proposal have a substantial detrimental impact both on the character of the pre-1958 building and on the Conservation Area.*

*The current proposal therefore 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.*

*Accordingly, we would request that our earlier comments to you (submitted on the 15<sup>th</sup> July) in respect of the negative impact of this proposed development are taken into consideration when determining the application.*

4.1.7 TRDC Tree and Landscape Officer: No response received.

## **4.2 Public/Neighbour Consultation**

4.2.1 Neighbours consulted: 5

4.2.2 Responses received: 0

4.2.3 Site Notice: Expired 21.07.2024.

4.2.4 Press notice: Expired 26.07.2024.

## **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.

## 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 the character and appearance of the host dwelling and the locality including the heritage asset

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 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.

7.1.2 The Moor Park Conservation Area Appraisal (2006) provides supplementary planning guidance and is a material planning consideration in the assessment of applications within the Moor Park Conservation Area.

- 7.1.3 The application dwelling is a pre-1958 dwelling and retains many of its original features and form. The character of the existing dwelling is highly responsive to the Arts and Crafts style with the inclusion of features such as the chimney, tile hanging to the wider gable and the herringbone brickwork above the window. The existing porch is also very responsive to the architectural style. The existing extension over the garage is relatively wide however has a catslide roof and eyelet dormer window which are typical features of the Arts and Crafts Style. Whilst the existing front extension detracts to a degree from the original dwelling, it maintains a subservient appearance when read against the dwelling as a whole. Importantly, the original form of the dwelling is still legible. As such the existing dwelling is considered to make a positive contribution to the character and appearance of the Conservation Area.
- 7.1.4 The current proposal includes the introduction of a front dormer window in place of the existing recessed eyelet window. It is noted that the proposed dormer would protrude from the outer plane of the catslide roof. However the remaining form of this element would remain unaltered. Owing to the overall proportions of the proposed dormer it would appear as a subordinate addition to the host dwelling. Furthermore the curved roof form positively responds to the architectural character of the existing dwelling. The Conservation Officer also raises no objections to this element. Overall it is not considered that this element undermines the contribution the existing dwelling makes to the character of the Conservation Area.
- 7.1.5 The proposed garage door would be replaced with a five casement window to facilitate its conversion. Subject to the use of matching materials and the incorporation of the detailing shown above the window itself it is not considered that this alteration would result in harm to the character of the host dwelling. Similarly the proposed replacement first floor front window and front door are not considered to be unacceptable subject to the use of matching materials.
- 7.1.6 Thus, contrary to previous proposals the proposed scheme as now submitted no longer undermines the characterful features to the front of the existing dwelling or the positive contribution to the character of the Conservation Area.
- 7.1.7 It is noted that the proposed two storey rear extension would result in increased accommodation at ground and first floor level. Furthermore, it would facilitate the provision of loft accommodation. It is also noted the Conservation Officer considers that the rear extensions would appear disproportionate additions to the host dwelling and relate poorly to its character. They have concluded the development results in less than substantial harm. However, for the reasons set out below Officers have reached an alternative planning judgement.
- 7.1.8 However, at ground floor level the proposed extension would infill the existing 'L' shaped rear elevation. It would also be set in from the southern flank and would not be readily visible from the streetscene. The proposed first floor rear extension would have a depth of 4.5m however would be set in from both main flanks with two hipped roof forms which reduce the overall apparent bulk of the extensions. The proposed roof would also be set down from the main ridge. Given its siting, scale and design the proposed rear extension as now submitted would no longer subsume the rear elevation of the application with a significant portion of the host roofslope still legible in addition to the outer parts of the rear elevation remaining legible due to the first floor set in to both sides and ground floor set in to the southern flank. Whilst it is noted that the proposed rear extension would increase the overall size of the application dwelling, as set out above, it would no longer subsume the rear elevation. Furthermore a characterful central bay feature would be incorporated to respond to the character of the existing rear and the first floor fenestration either side would also be respectful to the hierarchy of windows expected at upper floors. Overall, the proposed extension would not detract from the character of the host dwelling to an unacceptable degree such that it would preserve its contribution to the character and appearance of the Conservation Area.



- 7.1.9 The proposal also includes a basement with lightwells and balustrading. The basement would be fully subterranean. Whilst some views of the lightwells may be had directly at the rear the only readily visible elements would be the balustrade. The basement would not be read as an additional storey. The balustrading would be of limited height (1m) and subject to a requirement for further details of their design are not considered to appear as incongruous additions to the host dwelling.
- 7.1.10 The proposed rear rooflights would be subservient in scale and would be conditioned to be flush with the outer plane of the roofslope. Additionally the rooflights in the two storey rear projections would be on the inward roofslopes thus would not be readily apparent and in any event would be subordinate in scale and number.
- 7.1.11 It is necessary to consider whether the proposals comply with the planning guidance for Moor Park as set out in the Conservation Area Appraisal (Oct 2006). Key aspects of the Moor Park guidance in relation to this application are the percentage of plot coverage in area, plot width coverage and distance to the boundaries. The Moor Park Conservation Area Appraisal sets the following guidance:
- Maximum building line width of 80% at the front building line
  - Buildings should not cover more than 15% of the plot area.
  - 1.5m being kept clear between flank walls and plot boundaries
- 7.1.12 The proposal would increase the existing plot coverage from 15% to 21%. The purposes of this guidance is to protect the open and spacious character of the Conservation Area. Given that the proposed ground floor extension would be in line with the existing rear projection and the development does not result in any built form closer to the boundaries than existing it is not considered that there would be any significant loss of openness. Furthermore with the exception of the lightwells the extensions are on existing hardstanding and the rear wall would not extend excessively rearwards with a large garden retained. The plot width coverage would remain unchanged from existing and 1.5m spacing would be retained to the boundary at first floor level and does not bring built form closer to the boundaries than existing.
- 7.1.13 Due to the number of the internal first floor walls which are proposed to be removed and that a basement is proposed it is considered reasonable to attach a condition relating to controls over the extent of demolition. This condition would restrict the extent of demolition solely to the walls / roofs as shown on the submitted plans and would require a contract of demolition to be submitted prior to the commencement of works.
- 7.1.14 In summary, on the basis of the scheme now submitted the proposal would preserve the character of the host dwelling and maintain its contribution to the Conservation Area. As such it would not lead to less than substantial harm to the designated heritage asset. The amended development would therefore 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 the NPPF (2023).

## 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.
- 7.2.2 Appendix 2 of the DMP LDD outlines that two storey rear extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the boundary level with the rear wall of the adjacent property. This principle is dependent on the spacing and

relative positions of properties and consideration will be given to the juxtaposition of properties, land levels and positions of windows and development on neighbouring properties.

- 7.2.3 The proposed rear extension would increase the overall depth of the flank at first floor level adjacent to the neighbour at No.42. However would not project beyond the existing rear elevation of this neighbour nor would it intrude a 45 degree splay line when taken from the point on the boundary level with their rear elevation. Additionally the proposed rear extension would be pitched away from the boundary, hipped to the rear, the first floor element would not extend as deep as the ground floor and would be set down from the main ridge. Overall it is not considered that this element would result in an unacceptable overbearing impact or loss of light to this neighbour.
- 7.2.4 The proposed two storey rear extension would intrude a 45 degree splay line with the neighbour at No.48 as the existing dwelling is set beyond the rear of this neighbour. However this neighbour is favourably sited to the south of the site and its rear elevation is orientated slightly away from the site. It is acknowledged that the proposed rear extension could give rise to some reduced light to the windows in the rear of this neighbour immediately adjacent to the site and the section of garden adjacent to the boundary. Additionally there would be some visual impact as experienced from some of their rear windows and garden. Notwithstanding this the neighbouring property sits in a relatively substantial plot. When considering the overall scale of the plot, the orientation of this neighbour, that the proposed extension would be pitched away from the neighbour, hipped to the rear, set in from the flank and would be set down from the main ridge it is not considered that the proposed rear extension would give rise to such unacceptable loss of light or an overbearing impact so as to result in detrimental harm to their amenity justifying refusal of planning permission.
- 7.2.5 By virtue of its siting within the existing front projection, set in from both boundaries, together with its subordinate nature, it is not considered that the proposed front dormer would result in unacceptable harm to neighbouring amenity by virtue of an overbearing impact or loss of light. The views afforded would be similar to those which existing an as such would not give rise to unacceptable overlooking.
- 7.2.6 The proposed rear rooflights would face sky wards and those proposed in the rear projections would be in the inward roofslope of the rear projections. Overall given their siting are not considered to result in any unacceptable overlooking.
- 7.2.7 A condition would be added to ensure the proposed first floor flank windows are fitted with obscure glazing and are top level opening only in order to prevent unacceptable overlooking.
- 7.2.8 The proposed basement would be fully subterranean save for the railings enclosing the lightwells which would only have a height of 1m above ground floor level. As such it is not considered that unacceptable harm to neighbouring amenity would occur from this element.
- 7.2.9 The proposed development would therefore be acceptable in this regard 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 Highways & Parking

- 7.3.1 Core 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. The proposed development would not impact the parking provision of the site. The application dwelling would retain a driveway large enough to accommodate at least three parking spaces and would therefore be acceptable in this regard.

#### 7.4 Rear Garden 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.
- 7.4.2 Appendix As a result of the proposed extensions the dwelling would have 6 bedrooms. As such would require 147sqm of amenity space. The application site would retain over 650sqm of amenity space and as such would comply with Appendix 2 in this respect.

#### 7.5 Trees & Landscape

- 7.5.1 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. The proposed development would not involve the removal of any trees or lie in close proximity to trees.
- 7.5.2 Paragraph 136 of the NPPF outlines that trees make an important contribution to the character and quality of urban environments. Paragraph 180 further adds that planning decisions should contribute to the natural and local environments and should recognise the benefits of trees and woodland.
- 7.5.3 The application site is located within a Conservation Area and as such all trees are protected. Additionally there is an individually protected Cedar tree (TPO 469) within the frontage.
- 7.5.4 The previous application submitted via 23/1150/FUL was accompanied by an Arboricultural Impact Assessment. This report notes incursion into the RPA of RPAS of T001-T008. However the report considers that the level of encroachment would be acceptable subject to compliance with the method statement set out within the same report. The report also submits details of tree protection fencing. This report has been resubmitted with this application however has not been updated to reflect the amended development. Whilst the proposal now includes a basement there would be no increase in the footprint of the extensions now proposed compared with those previously submitted. Thus it is considered that subject to a condition requiring the submission of a revised AIA the development would be acceptable in this respect in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011), Policy DM6 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2023).

#### 7.6 Biodiversity

- 7.6.1 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.
- 7.6.2 Application reference 23/1150/FUL was accommodated by a Preliminary Roost Assessment. The PRA submitted outlined the need for further follow up surveys to be carried out however these were not done prior to the submission of 23/1150/FUL and the LPA are unable to condition follow up surveys. Therefore in the absence of the follow up surveys this constituted a reason for refusal.
- 7.6.3 Following the refusal of the previous application the required follow up surveys have been undertaken. The survey confirms the property as having a bat roost. However provides measures for mitigation/compensation. It is considered that subject to a condition requiring

compliance with these measures that the development would be acceptable in accordance with Policy DM6. The previous reason for refusal has therefore been overcome.

## 7.7 Mandatory Biodiversity Net Gain

7.7.1 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.

7.7.2 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.

## 7.8 Flood Risk and Drainage

7.8.1 Policy DM8 of the Development Management Policies document sets out that in accordance with National Policy, the Council will only permit development if it is demonstrated that there will be no adverse impact on areas at risk of flooding. Development will only be permitted where it would not be subject to unacceptable risk of flooding and would not unacceptably exacerbate the risk of flooding elsewhere.

7.8.2 The submission of a Flood Risk Assessment (FRA) is not a validation requirement for this application, however, it is recognised that the Moor Park Conservation Area Appraisal encourages the submission of a FRA where basements are proposed. This application has been accompanied by a Basement Impact Assessment prepared by Nimbus engineering consultants. The site is at a low level of flooding risk. In any event the assessment submitted also confirms that the proposed basement level will be above the on site ground water level thus would not interrupt the flow of groundwater. As such the proposed development would be acceptable in accordance with Policy DM8 of the DMP LDD.

## 8 **Recommendation**

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: TRDC 001 (Location Plan), 23056-23-02, 23056-23-03, PL001/2 REV D, PL002/02 REV C, PL003/2 REV D, PL004/2 REV D and PL005/2E

Reason: For the avoidance of doubt and in the proper interests of planning and to safeguard the character and appearance of the Conservation Area and the residential amenity of neighbouring occupiers, 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 Unless specified on the approved plans, 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 and DM3 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

- C4 Before the first occupation of the extension hereby permitted the first floor flank windows shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The windows 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 The development hereby permitted shall be carried out in accordance with the compensation and mitigation measures as set out within the submitted bat survey report prepared by Crossman associates (Reference G1140.001) dated 10 July 2024. All required measures shall be permanently maintained thereafter.

Reason: To maintain wildlife habitat and to meet the requirements of Policies CP1, CP9 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C6 No development or other operation shall commence on site whatsoever until an arboricultural method statement (prepared in accordance with BS: 5837 (2012) 'Trees in relation to design, demolition and construction') has been submitted to and approved in writing by the Local Planning Authority. This method statement shall include details of timetables of works, method of demolition, removal of material from the site, importation and storage of building materials and site facilities on the site, tree protection measures and details including location and depths of underground service routes, methods of excavation and construction methods, in particular where they lie close to trees.

The construction methods to be used shall ensure the retention and protection of trees, shrubs and hedges growing on or adjacent to the site. The development shall only be implemented in accordance with the approved method statement.

The protective measures, including fencing, shall be undertaken in full accordance with the approved scheme before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made. No fires shall be lit or liquids disposed of within 10.0m of an area designated as being fenced off or otherwise protected in the approved scheme.

Reason: This condition is a pre commencement condition to ensure that no development takes place until appropriate measures are taken to prevent damage being caused to trees during construction, to protect the visual amenities of the trees, area and to meet the requirements of Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM6 of the Development Management Policies LDD (adopted July 2013).

- C7 No development or other operation shall commence on site whatsoever until a Construction & Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority.

This Construction & Demolition Method Statement shall include details of how all existing walls (internally and externally) and roofslopes as shown on drawing numbers PL 002/2 C, PL 003/2 D PL005/2 Rev E to be retained (i.e. hatched in grey (marked as existing)) will be maintained throughout the erection of the extensions hereby permitted with only those walls

and roofslopes shown on the abovementioned drawings as proposed for demolition (as shown over the blue dashed lines) to be removed.

The extent of demolition hereby approved shall not be implemented until a contract for the implementation of the works of redevelopment of the site (including submission of the construction drawings) has been made and a copy submitted to and approved in writing by the local planning authority.

Reason: This condition is a pre commencement condition to safeguard the Conservation Area, to ensure that premature demolition does not take place before adequate provision for development works in order that the visual amenities of the area are safeguarded 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).

## 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 £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 01438 879990 or at [buildingcontrol@hertfordshirebc.co.uk](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 ([cil@threerivers.gov.uk](mailto:cil@threerivers.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:

{\b (a)} Making a Non-Material Amendment

{\b (b)} Amending the conditions attached to the planning permission, including seeking to make minor material amendments (otherwise known as a section 73 application).

It is important that any modifications to a planning permission are formalised before works commence otherwise your planning permission may be unlawful and therefore could be subject to enforcement action. In addition, please be aware that changes to a development previously granted by the LPA may affect any previous Community Infrastructure Levy (CIL) owed or exemption granted by the Council. If you are in any doubt whether the

new/amended development is now liable for CIL you are advised to contact the Community Infrastructure Levy Officer (01923 776611) for clarification. Information regarding CIL can be found on the Three Rivers website (<https://www.threerivers.gov.uk/services/planning/community-infrastructure-levy>).

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

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

- 12 The applicant is reminded that the Control of Pollution Act 1974 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant and/or their agent submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.
- 14 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](http://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).

- 15 The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:
  - a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Three Rivers District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not apply.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply.

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

Where the local planning authority considers that the permission falls within paragraph 19 of Schedule 7A to the Town and Country Planning Act 1990, the permission which has been granted has the effect of requiring or permitting the development to proceed in phases. The modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun.

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans. The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.