

Date: 20th January 2024
Reference: IK/WWH/TRDC006

Planning Department
Community and Environmental Services
Three Rivers District Council
Three Rivers House
Northway
Rickmansworth
Herts, WD3 1RL

Dear Sir/Madam,

Re: Planning Portal Reference PP-12746580

Site Address: Wynchwood, Windmill Hill, Chipperfield, Kings Langley, Hertfordshire, WD4 9DA

Proposal: Erection of a detached carport/garage

Please find enclosed a completed application form for the above proposal. In addition to this letter which forms the Planning / Design & Access Statement in support of the application, the following documents and plans are also being submitted:

Plan/Document	Company
23/08/1 Rev F: Existing & proposed site plan	DAN Architectural Services Ltd
23/08/2 Rev F: Proposed carport/garage floor plan & elevations	DAN Architectural Services Ltd
23/08/4 Rev C: Location Plan	DAN Architectural Services Ltd
Arboricultural Impact Assessment Plan	Merewood Arboricultural Consultancy Services
Tree Constraints Plan	Merewood Arboricultural Consultancy Services
Tree Protection Plan	Merewood Arboricultural Consultancy Services
Arboricultural Report Implications Assessment	Merewood Arboricultural Consultancy Services
PC 2304 100: Proposed carport & garage foundations	Paul R Collinson
PC 2304 101: Proposed carport & garage foundations	Paul R Collinson

The application is also supported by the Council's Biodiversity Checklist, and a CIL Additional Information Form.

Ms Irum Khan-Williams | Chartered Town Planner | MA (Cantab) PG Dip Surv MSc MRTPI

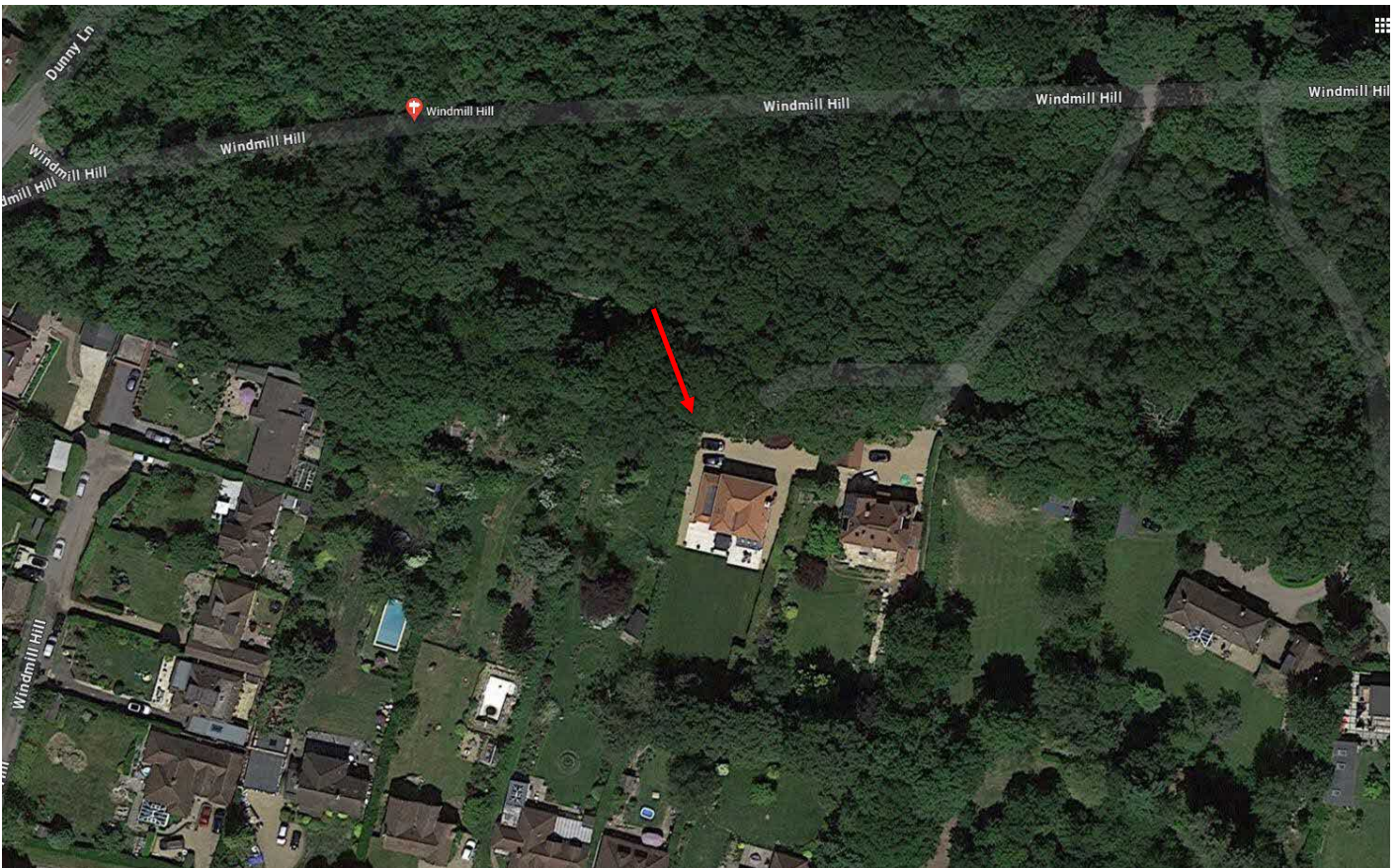
E iqplanningconsultants@gmail.com
M 07769-862034
W www.iqplanning.co.uk

IQ Planning Consultants
The Beehive, Beehive Ring Road,
Crawley, Gatwick, West Sussex. RH6 0PA

Site Description

The application site is situated in the Green Belt and Chilterns Landscape Area (outside of the AONB which lies a considerable distance away to the south west), to the south of Windmill Hill. The plot lies to the south west of the main central village settlement area of Chipperfield, which is situated in the administrative area of Dacorum Borough Council. The District boundary runs along the front north boundary of the application site. The site is a long and deep plot of a spacious character, with a maximum width of almost 28m, and a depth of around 64m. The property is accessed from Windmill Hill via a long access track bordered by woodland, which is shared with the neighbouring property, Woodlea on the east side.

The application site is shown in the aerial photograph below:



As can be seen in the aerial photograph above, woodland comprises the area of land to the north of the site, and this, together with the access track and Windmill Hill are situated within the administrative area of Dacorum BC, and within the Chipperfield Conservation Area. The boundaries of the site are defined by mature hedges and trees. There is not a significant variation in land levels across the site, with site levels only very gradually falling towards the rear southern boundary.

Wynchwood is a replacement two-storey detached dwelling of a traditional vernacular style with hipped roof forms, which was granted planning permission in 2018 and 2019 (see planning history section further below). The dwelling has single storey side and rear elements. There are two existing storage sheds in the north west corner of the plot, on a concrete base, which have been on the site for many years, and which were shown on the plans submitted for the 2018 planning application. There is a large driveway to the front of the dwelling, and which extends out beyond the majority of the side boundary of the plot, to the front and eastern side of Wynchwood.

The only neighbouring property to Wynchwood, Woodlea, is situated on its eastern side and is also a two-storey dwelling of a traditional vernacular style with hipped roof forms. Woodlea is set well back from the common side boundary and has a detached garage close to the common boundary.

The application site is shown in the photographs below.

View towards front boundary and driveway of Wynchwood:

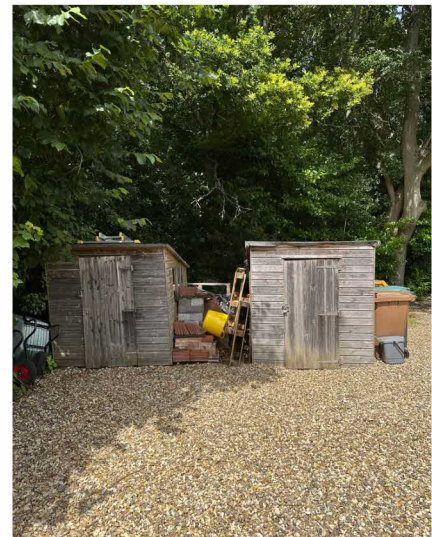


Views towards driveway area where carport/garage is proposed to be sited, which also show the existing tree and mature hedge boundary screening, as well as the roof ridge of the neighbouring garage:





Existing sheds to the front of Wynchwood:



View to rear of Wynchwood:



Planning History

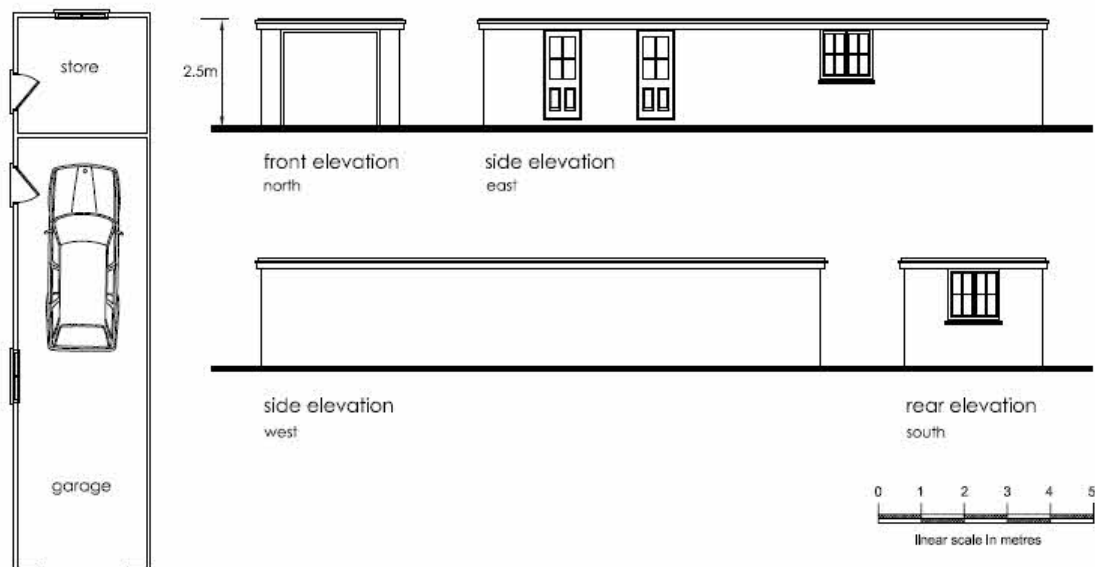
The most recent and relevant planning history is listed below, with further information provided, where applicable:

17/2235/CLPD – Certificate of Lawfulness for proposed development: two storey rear extension and single storey side extensions, approved December 2017. This was not implemented.

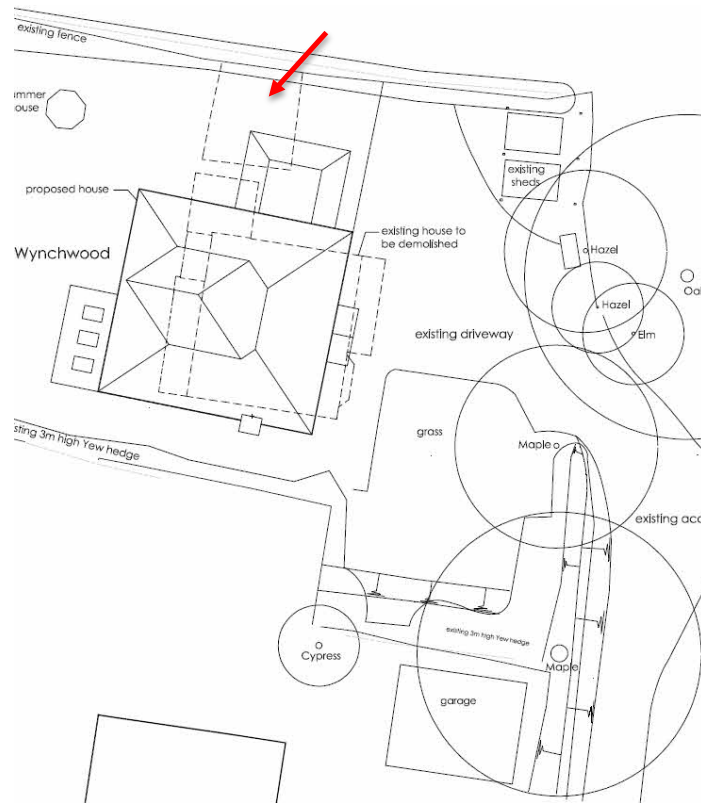
18/0083/PDE – Prior approval for single storey side and rear extension (depth 8m, height 3.4m, eaves height 2.5m), no objection February 2018. This was not implemented.

18/0388/CLPD – Certificate of Lawfulness for proposed development: single storey side and rear extension, approved April 2018. This was not implemented.

18/1115/CLPD – Certificate of Lawfulness for proposed development: detached single-storey double garage with store to side of dwelling, approved July 2018. This was not implemented. The certificate approved a garage with a flat roof of 2.5m high, and a floor area of just under 42sqm, to the western side of the dwelling. The approved plans are shown below:



18/1689/FUL – Demolition of existing dwelling and construction of replacement two-storey dwelling, granted October 2018. It should be noted that in addition to the dwelling, it was also proposed to demolish a detached car port on the western side of the previous dwelling. The carport had a footprint of around 20sqm. The demolished carport is shown in the approved proposed site plan extract below, indicated by the arrow:



As clearly shown on the proposed site plan extract above, the existing sheds situated in the north west corner of the site, were to be retained as part of the proposed scheme (and no planning conditions required their removal).

The decision notice and delegated report for the 2018 planning permission are appended to this letter. It is pertinent to note that the officer states within the report, at paragraph 7.9, the following in relation to calculating the existing floor area of the development and the existing carport:

'...The existing car port is also given limited weight and as such is also not included in the internal floorspace calculations. The proposed development would involve a large detached dwelling on a large plot with no internal garage/storage provision and it is not unreasonable to assume that, even if the floorspace of the car port were to be included in the floorspace of the existing dwelling, there would be future pressure to allow a detached garage. The LPA therefore calculates that the existing building has a gross internal floorspace of approximately 125m².'

The report also makes the following comments at paragraph 7.20 concerning the certificate of lawfulness granted for the detached garage in 18/1115/CLPD (see further above):

'The proposed development would include a large detached dwelling on a large plot with no internal garage/storage provision. It is noted that a certificate of lawfulness for a detached single-storey double garage with store to the west of the dwelling was approved (18/1115/CLPD). Whilst this permitted development garage will not be able to be implemented should planning permission be granted and implemented for the proposed replacement dwelling, it is attributed limited weight in the consideration of the replacement dwelling for reasons that it is not unreasonable to assume that even if permitted development rights were removed in relation to outbuildings, there would be future pressure to allow a detached garage and additional outbuildings for the storage of normal garden furniture and tools.'

The Council therefore did not take into account the existing carport on the site to be demolished, or the garage/store granted by the certificate of lawfulness within the fall back position, when calculating the floor areas for the purposes of the Green Belt assessment, as it was considered likely that a detached garage/outbuildings would be required in future by occupiers of the property.

The planning permission was subject to condition no. 7 which removed permitted development rights for Classes A to E of Part 1, of the GPDO 2015 (as amended), for the enlargement/other alteration of the dwelling, the erection of outbuildings, and the erection of any means of enclosure.

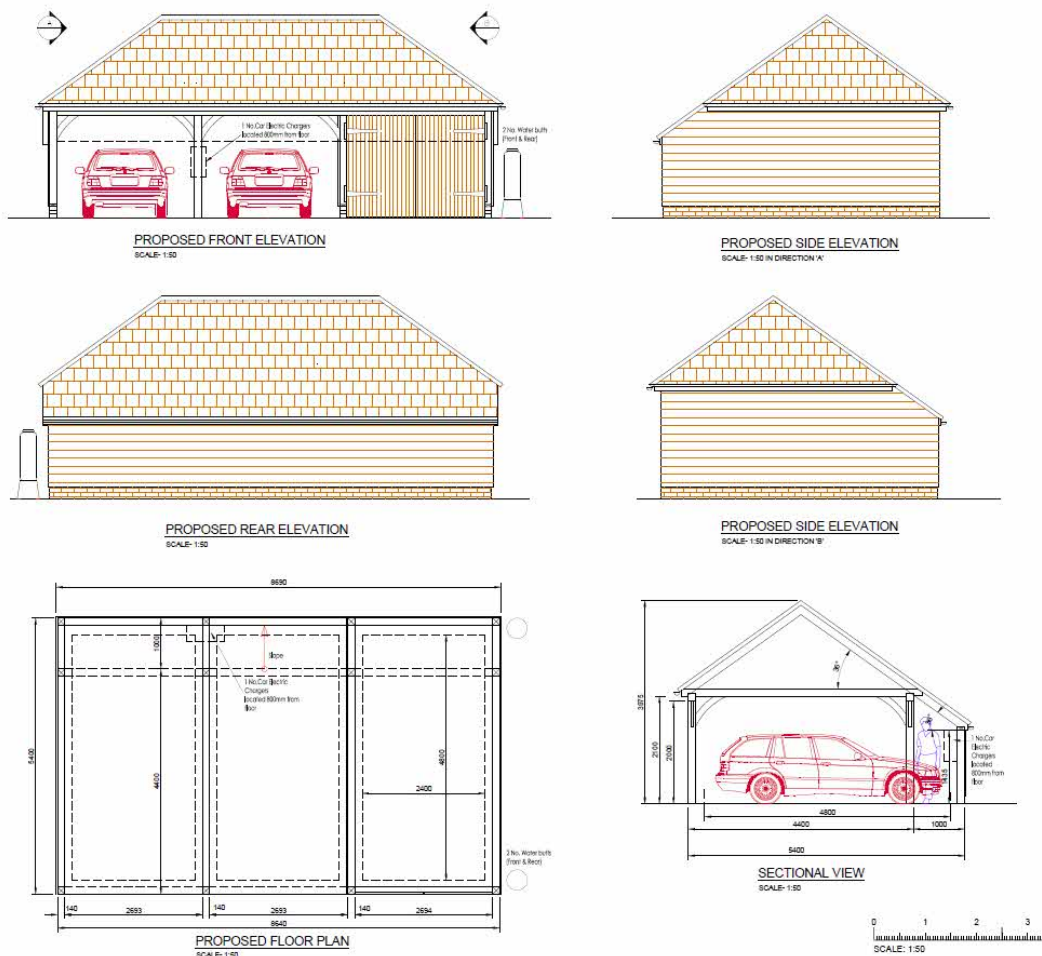
18/2532/FUL – Variation of Conditions 2 (Approved Plans) and 6 (Energy Statement) of planning permission 18/1689/FUL (Demolition of existing dwelling and construction of replacement two storey dwelling), to include single storey extension and revised energy statement, granted February 2019.

This approved an infill extension to the rear of the approved single-storey side projection, and was not considered to result in harm to the openness of the Green Belt. The permission was subject to condition no. 7 which removed permitted development rights for Classes A to E of Part 1, of the GPDO 2015 (as amended), for the enlargement/alteration of the dwelling, the erection of outbuildings, and the erection of any means of enclosure. This permission was built out on the site.

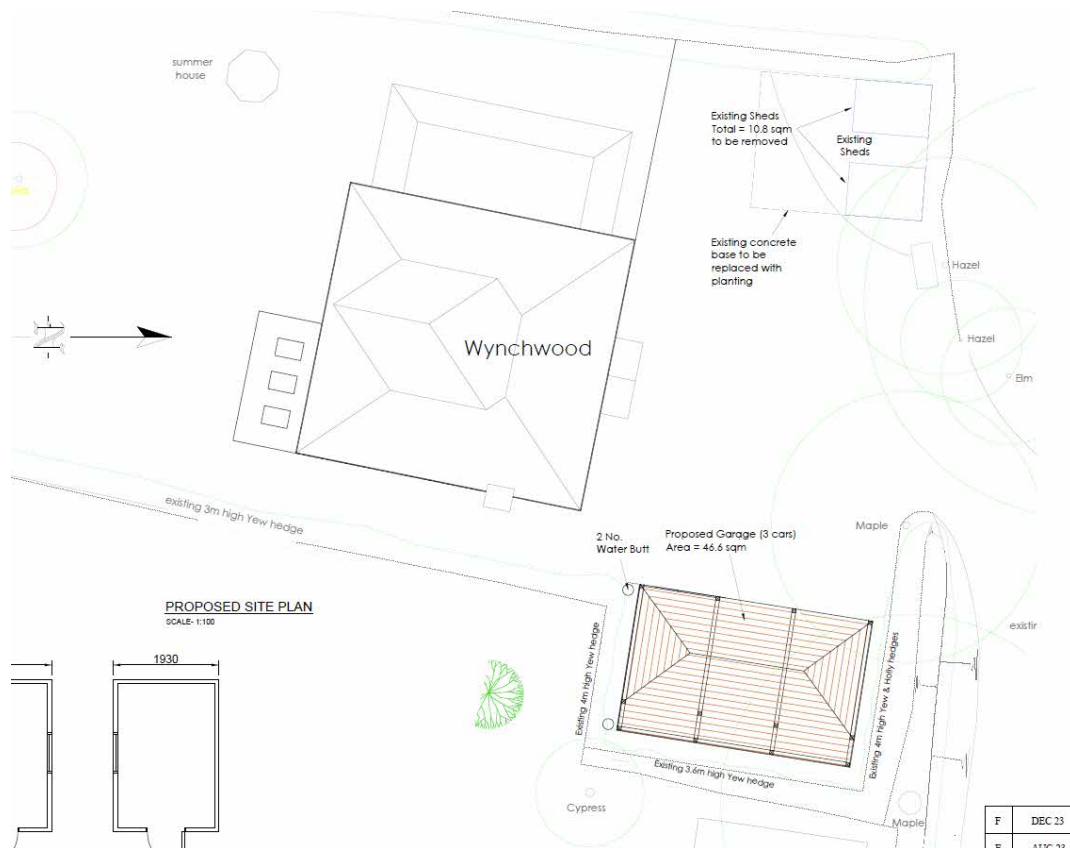
The Proposal

The application proposal is for the erection of a detached carport/garage of a traditional vernacular style, to the front eastern side of the dwelling. The carport/garage would have a hipped roof of 3.9m high, with eaves height varying from 2.1m to 1.4m, a width of 8.6m, and a depth of 5.4m. It would have a GEA/footprint of approximately 46sqm. It would not be of a significant bulk and mass due to the careful design of the hipped roof, which would extend to a lower eaves height to the rear. The building would provide parking for 3 cars, and two of the spaces would be open to the front, whilst one of the spaces would be fully enclosed. The building would be constructed of traditional materials, such as brick, timber, and clay tiles, which would be sympathetic to the main dwelling, and the general character of the area. The garage/carport would incorporate electric car charging points.

The proposal is shown below:



The proposed site plan extract is shown below:



The carport/garage would be situated to the front eastern side of the main dwelling, within an area of the existing gravel surface driveway. It would be situated around 3.5m from the closest point with the dwelling. The carport/garage would be set back from the site boundaries, and the existing high and mature yew hedges defining the boundary, would be retained around the new building.

The two existing sheds in the north west corner of the site, which have a total floor area of 10.8sqm would be removed, along with the concrete base on which they sit. The sheds are just under 2m high, with a depth of 2.8m, and a width of 1.9m. The concrete base has an area of 31.5sqm, and this would be replaced with soft landscaping/planting. Thus a significant amount of existing built form and hardstanding would be removed from the site.

No trees would be removed as part of the proposed work, or require pruning. Various tree plans and an arboricultural assessment are being submitted in support of the proposal, along with structural drawings providing details of the proposed foundations of the new building. The proposed carport/garage will sit partly within the Root Protection Area of a field maple (indicated as tree T3). The garage would also sit slightly within the RPA of a western red cedar (tree T4), but to such a small extent as to be of no importance. The design of the structure has been created so as to keep excavations required for the foundations of the new garage outside of the RPAs of the retained trees. This will have no discernible effect on these trees. The carport is to be built onto screw piles positioned within the RPA of the field maple T3. The design of the timber framework for the car ports takes the advice of BS 5837:2012 into consideration, ensuring that the main frame remains above ground level to minimise disturbance to the roots of the trees. In order to avoid excavating a surface for parked cars within the car ports, a cellular confinement product will be installed to create a suitable floor for parked cars. Appropriate tree protection measures, such as fencing and ground protection, will be installed, in order to protect all trees during construction works taking place on the site.

Planning Considerations

Green Belt

The application site is situated within the Metropolitan Green Belt. The relevant planning policies are Policy CP11 (Green Belt) of the Council's Core Strategy (2011), Policy DM2 (Green Belt) of the Council's Development Management Policies LDD (2013), and the policies of the National Planning Policy Framework (revised December 2023).

The NPPF sets out in Section 13 (Protecting Green Belt Land) that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. The Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

The NPPF, at paragraph 154, states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but lists a number of exceptions to this. The provision of an outbuilding is not listed specifically as an exception, although 154(d) states an exception as the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Policy CP11 sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 states that the construction of new buildings in the Green Belt is inappropriate with certain exceptions, and lists an exception at paragraph (d) for ancillary buildings. The policy advises that the Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would:

- i) be of a scale and design clearly subordinate to the dwelling and of a height and bulk such that the building would not adversely affect the openness of the Green Belt.
- ii) be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development.
- iii) avoid features normally associated with the use of a building as a dwelling such as dormer windows.

The proposed carport/garage would be of a wholly subordinate scale and design to the main dwelling. Wynchwood is a two-storey dwelling with hipped roof forms. The carport/garage would only be single storey, with a ridge height of 3.9m. Its hipped roof with far lower eaves heights would ensure that it was not of a significant bulk and mass, so as to impact on openness. Its footprint of 46sqm, would only amount to around 29% of the footprint of the main dwelling (which has an overall footprint of 158sqm). It would also not have any features that would be associated with the use of a dwelling, such as dormer windows, and the majority of the structure would be open to the front, with only one car space being fully enclosed.

The proposed carport/garage would be carefully sited so that it did not look prominent in the landscape. It would be positioned on an existing gravel area of the driveway, to the front/side of the dwelling, and thus would not result in an increase of hardstanding across the site. It would be positioned relatively close to the main dwelling, being set away 3.5m at its closest point, so as not to unduly spread development across the site, and would not result in an urbanising effect. Furthermore, the area of the driveway where the outbuilding would be positioned sits discreetly behind mature trees and landscaping, and is not obviously visible from the driveway entrance. Directly to the rear of this area sits the detached garage of the neighbouring property, and thus the positioning of existing built form would also help to ensure that the new outbuilding was screened and not widely visible within the wider landscape.

Furthermore, the two existing sheds in the north west part of the driveway, which have a total floor area of 10.8sqm, and a height of just under 2m, would be removed, along with the concrete base on which they sit; the concrete base has an area of 31.5sqm. This area would be replaced with soft landscaping/planting. Thus the proposal would result in a significant amount of existing built form and hardstanding being removed from the site, which would be a material improvement to the open character and visual amenities of the Green Belt.

In addition, as detailed in the planning history section further above, Wynchwood is a replacement dwelling initially granted in planning permission 18/1689/FUL. The Council did not take into account the former carport demolished on the site of 20sqm footprint, or the garage/store granted under a certificate of lawfulness in 18/1115/CLPD amounting to a footprint of 42sqm, within the Green Belt assessment, since it was considered likely that a detached garage/outbuildings would be required in future by occupiers of the property. Permitted development rights have also been removed for the erection of outbuildings under Class E.

It is therefore considered that the proposal would be subordinate to the host dwelling, and would not result in any unacceptable harm to the openness of the Green Belt or in any harmful urbanising effect, and would bring improvements to the site by removal of the sheds and concrete base with replacement by soft landscaping. It would therefore comply with local and national planning policies.

Design and impact on the Street Scene and the character of the area

Policy CP1 (Overarching Policy on Sustainable Development) of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness. Policy CP12 (Design of Development) 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 local context and conserve or enhance the character, amenities and quality of an area. Policy DM1 (Residential design and layout) and Appendix 2 of the DMP LDD set out that development should not have a significant impact on the visual amenities of the area. The NPPF, within Section 12 (Achieving well-designed and beautiful places) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and sympathetic to local character.

The proposed outbuilding would be carefully and discreetly positioned to the front/side of the dwelling, and near to existing built form, being the main dwelling and the neighbouring garage. The carport/garage, whilst forward of the dwelling, due to its overall scale, careful positioning, set back from the site boundaries, and the retained screening, would not look prominent on the site, and would not be highly visible from the front boundary of the site, or from the overall landscape setting. It would not be visible in the street scene of Windmill Hill, which is situated a significant distance to the north of the site, and which is wholly screened by woodland. The carport/garage would also be of a high quality traditional, vernacular style, with a hipped roof and traditional materials, which would all be sympathetic to the host dwelling, and general setting/character of the area.

It is therefore considered that there would be no harm to the street scene or character of the area, and the removal of the sheds and concrete base with replacement soft landscaping, would bring further improvements to the appearance of the site.

Impact on Residential Amenity

Policy CP12 (Design of Development) 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 (Residential Design and Layout) and Appendix 2 of the Development Management Policies document set out that development should maintain and provide acceptable standards of privacy, prospect/outlook, amenity space, and not be overbearing, oversized, and result in loss of light. The NPPF states at paragraph 135(f) that policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The proposed carport/garage would be sited forward of the main dwelling and the two-storey neighbour at Woodlea, and would be adjacent to the garage of the neighbouring property at Woodlea. It would be single storey only with a hipped roof of less than 4m in height. The existing mature screening on the common side boundary would be retained. Woodlea is set back significantly from the side boundary. Given the scale of the proposal and the relative positioning of the various buildings to one another, it would not result in being dominant, overbearing to, or harmful to the residential amenities of the neighbour. There are also no other neighbouring properties that would be affected by the proposal, and it would not have any impact on the existing amenity space on the site.

Parking Provision and Highway Impacts

Policy CP10 (Transport and Travel) of the Core Strategy (adopted October 2011) requires development to provide adequate provision for all users, including car parking. Policy DM13 (Parking) and Appendix 5 of the Development Management Policies LDD (adopted July 2013) set out the Council's parking standards.

The proposal would be for a carport/garage, providing 3 spaces. The dwelling has a large driveway frontage, which would also provide additional off-street parking, in addition to the carport/garage. The proposal would not result in an increase of bedrooms on the site, and given that the existing dwelling comprises 4-bedrooms, the site would continue to provide in excess of the 3 parking spaces required by the standards. Furthermore, there would be no changes to the existing site access arrangement.

Trees/Landscape

Policy DM6 (Biodiversity, Trees, Woodland and Landscaping) 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 proposal would be within the Root Protection Area of a Field Maple and Western Red Cedar. However, no trees would be removed as part of the proposed work, or require pruning. Various tree plans and an arboricultural assessment are submitted in support of the proposal, along with structural drawings providing details of the proposed foundations of the new outbuilding.

The proposed carport/garage will sit partly within the RPA of a field maple (indicated as tree T3). The garage would also sit slightly within the RPA of a western red cedar (tree T4), but to such a small extent as to be of no significance. The design of the structure has been created so as to keep excavations required for the foundations of the new garage outside of the RPAs of the retained trees. This will have no discernible effect on these trees. The carport is to be built onto screw piles positioned within the RPA of the field maple T3. The design of the timber framework for the car ports takes the advice of BS 5837:2012 into consideration, ensuring that the main frame remains above ground level to minimise disturbance to the roots of the trees. In order to avoid excavating a surface for parked cars within the car ports, a cellular confinement product will be installed to create a suitable floor for parked cars. Appropriate tree protection measures, such as fencing and ground protection, will be installed, in order to protect all trees during construction works taking place on the site.

Furthermore, there will be an increase in soft landscaping/planting across the site, due to the removal of the existing sheds and concrete base in the north west part of the site and driveway. Therefore, it is not considered that the proposal would result in harm to existing trees or the landscape character of the area.

Biodiversity

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.

A Biodiversity Checklist is being submitted with the application and confirms that no protected species would be adversely affected by the development. Furthermore, with regard to Biodiversity Net Gain requirements, the proposed development would be exempt in accordance with the government's BNG guidance for exempt developments (published on 29th November 2023, and updated 14th December 2023), since it is a householder application, as defined within Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Conclusion

It is considered that overall the proposal achieves a sustainable form of development, which would respect the street scene and landscape character of the area. It would not have a harmful impact on the open character and visual amenities of the Green Belt, bringing additional improvements in the removal of existing built form and hardstanding. The proposal effectively utilises the layout of the site, and would not impact on residential amenity. It would not have any adverse impact on the highway or parking in the area, and would protect the existing trees on the site. The proposed development is considered to fully comply with the Development Plan policies of Three Rivers District Council, and the policies of the National Planning Policy Framework.

I trust that all of the necessary information for you to be able to determine the application is enclosed, however, should you require any additional information or clarification, please do not hesitate to contact me.

Yours faithfully,



Ms Irum Khan-Williams
CHARTERED TOWN PLANNER
MA (Cantab) PG Dip Surv MSc MRTPI

Enc. Planning permission 18/1689/FUL – decision notice and delegated report

((/5))

**THREE RIVERS DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 : SECTION 70
PERMISSION TO DEVELOP LAND**

To : Ms Irum Khan-Williams
IQ Planning Consultants
The Beehive
Beehive Ring Road
City Place, Gatwick Airport
West Sussex
RH6 0PA

Mr S McMorrow
On behalf of

Site : **Winchwood Windmill Hill Chipperfield**
Proposed Development : Demolition of existing dwelling and construction of replacement two storey dwelling
Ref No : 18/1689/FUL
Date Received Valid: 15 August 2018

In pursuance of its powers under the above mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council as Local Planning Authority hereby **PERMITS** the development proposed in your application as set out above and shown on the plan numbers detailed in the approved plan condition below and accompanying the application.

Consent is subject to the following conditions :-

- 1 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.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC0001 (Location Plan), 18.103-01 Rev B (Proposed Site Plan), 18.103-02 Rev D (Proposed Plans & Elevations), 18.103-03 Rev A (Existing & Proposed Comparison), 18.103-05 (Existing Plans & Elevations)

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers and to protect the openness of the Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

- 3 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.

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

- 4 Before the first occupation of the dwelling hereby permitted windows above ground level in the eastern flank elevation of the proposed replacement dwelling 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 windows are 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).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations of the dwelling hereby approved.

Reason: To safeguard the residential amenities of neighbouring 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).

- 6 The development hereby permitted shall be implemented in accordance with the details of the submitted Energy Statement. The approved details shall be implemented prior to the first use of the development and permanently maintained thereafter.

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

- 7 Immediately following the implementation of this permission, notwithstanding the provisions of Part 1, Classes A, B, C, D & E or Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no enlargement, improvement or other alteration of the dwellinghouse subject of this permission shall be carried out without the previous express permission in writing of the Local Planning Authority, nor shall any building or enclosure required for a purpose incidental to the enjoyment of the said dwellinghouse as such, nor shall any gates, fences, walls or other means of enclosure be erected, constructed, or placed on any part of the land covered by this permission without such consent as aforesaid.

Reason: To ensure adequate planning control over further development having regard to the visual amenities of the locality, the residential amenity of neighbouring occupiers and to protect the openness of the Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).

INFORMATIVES :-

- 1 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 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) (for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

((/4))

18/1689/FUL

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.

- 2 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 3 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.
- 4 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047

- 5 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047

Please note that this consent grants planning permission subject to any conditions listed above. It does **NOT** overcome the need to obtain any consents under other legislation (e.g. Building Regulations, Environmental Protection, Wildlife and Countryside Act 1981, Water Resources Act 1991 and the Land Drainage Byelaws 1981) or obtain agreement under private land law (e.g. due to restrictive covenants and easements). Leaseholders are advised to consult their Landlord/Freeholder prior to carrying out any work. Please also note that any damage to the verge, footway or highway caused as a result of implementing your permission is your responsibility and will be pursued by Hertfordshire County Council under Section 133 of the Highways Act 1980.

Dated: 9 October 2018

Signed _____

Kimberley Rowley

Head of Regulatory Services

On behalf of Director of Community & Environmental Services,

Three Rivers District Council, Three Rivers House, Northway, Rickmansworth, Herts WD3 1RL

DCPEFULZ

((/4))
18/1689/FUL

RIGHT OF APPEAL

If the Applicant is aggrieved by the decision of the Local Planning Authority, he may, in accordance with Section 195 of the Act, appeal to the Secretary of State for the Environment. For further information and appeal forms, go to the following website:

<http://www.planningportal.gov.uk/planning/appeals>

Or contact the Planning Inspectorate Customer Services Team:

Phone: 0303 444 5000

Email: enquiries@pins.gsi.gov.uk

Address: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

DELEGATED REPORT

Application Reference:	18/1689/FUL
Address:	Wynchwood, Windmill Hill, Chipperfield, WD4 9DA
Proposal:	Demolition of existing dwelling and construction of replacement two storey dwelling
Case Officer:	Tom Norris
Expiry Date:	10.10.2018
Recommendation:	Approval
Plan Nos:	TRDC0001 (Location Plan), 18.103-01 Rev B (Proposed Site Plan), 18.103-02 Rev D (Proposed Plans & Elevations), 18.103-03 Rev A (Existing & Proposed Comparison), 18.103-05 (Existing Plans & Elevations)

1. Relevant Planning History

- 1.1 18/1115/CLPD - Certificate of Lawfulness Proposed Development: Detached single-storey double garage with store to side of dwelling house - 17.07.2018 – Permitted, not implemented
- 1.2 18/0388/CLPD - Certificate of Lawfulness Proposed Development: Proposed single storey side and rear extension - 06.04.2018 – Permitted, not implemented
- 1.3 18/0083/PDE - Prior Approval: Single storey side and rear extension (depth 8 metres, maximum height 3.4 metres and eaves height 2.5 metres) - 07.02.2018 - No objection, not implemented
- 1.4 17/2235/CLPD - Certificate of Lawfulness for Proposed Development: Two storey rear extension and single storey side extensions - 08.12.2017 – Permitted, not implemented
- 1.5 17/1821/PDE - Prior Approval: Single storey rear extension (depth 8 metres, maximum height 3.2 metres and eaves height 2.4 metres) - 19.10.2017 - Refused

2. Site Description

- 2.1 The application site consists of a two-storey, detached dwelling located on the south side of Windmill Hill, Chipperfield. The dwelling is accessed via a gravel track off the public highway. Windmill Hill is characterised by detached dwellings of varying size set on spacious plots in a woodland surrounding.
- 2.2 The application dwelling is largely square in shape however a front porch extension, a single-storey side extension and a single storey rear extension have been implemented. The dwelling has a dark tiled hipped roof form. The upper floor of the dwelling has a light painted pebbledash exterior finish whilst the ground floor exterior walls have a light facing brick finish.
- 2.3 To the front of the dwelling is a gravel driveway with provision for at least three vehicles and an area of soft landscaping. There is a car port and a wooden shed located adjacent to the western flank of the application dwelling.

- 2.4 To the rear of the dwelling is amenity space of some 750sqm in area, predominantly laid to lawn. The boundary treatment to the rear of the site consists of dense hedging and vegetation.
- 2.5 The neighbouring property to the east, Woodlea, is a detached dwelling positioned on a similar front and rear building line to the application dwelling. To the south and west the application site adjoins the rear gardens of dwellings on Little Windmill Hill. To the north the site is separated from Windmill Hill by a swathe of dense woodland.
- 2.6 The site is within the Metropolitan Green Belt.

3. Proposed Development

- 3.1 This application seeks full planning permission for the demolition of the existing dwelling and the construction of replacement two-storey detached dwelling.
- 3.2 The proposed dwelling would have a maximum two-storey depth of 10.7m and a maximum two-storey width of 10.1m. The proposed dwelling would have a hipped roof form to the front with an eaves height of 5.0m and a maximum overall height of 8.3m. The proposed roof form would contain two rear projecting hipped roof forms, the easternmost projection being set down from the roof by 0.2m and the westernmost being set down by 0.8m.
- 3.3 There would be a storm porch over the main front door of the dwelling which would have a depth of 1.0m from the principal front elevation, a pitched roof with an overall height of 3.6m from ground level.
- 3.4 A total of three windows would be inserted and first floor level within the front elevation. The main front door to the dwelling and two windows would be inserted within the front elevation at ground floor level. Three windows would be inserted at first floor level and one window and a set of doors would be inserted at ground floor level within the principal rear elevation. Four windows would be inserted at first floor level and a door would be inserted at ground floor level in the western flank elevation of the dwelling. Four windows at first floor level and three windows at ground floor level would be inserted in the eastern flank elevation of the dwelling.
- 3.5 The proposed dwelling would contain a single-storey side projection which would adjoin the western flank elevation. This would be set back 0.9m from the principal front elevation and have a width of 3.8m, a depth of 5.0m and would have a part hipped, part flat roof with an eaves height of 2.4m and a maximum overall height of 3.6m. This would contain a window in the front elevation and two windows within the rear elevation.
- 3.6 The proposed dwelling would contain a single-storey rear projection which would be built in line with the eastern flank of the proposed replacement dwelling and would have a width of 4.8m, a depth of 2.4m and would have a mono-pitched roof with an eaves height of 2.4m and maximum overall height of 3.7m. A set of doors would be inserted in the rear elevation, a window would be inserted in the western flank elevation and three rooflights would be inserted in the roofslope.
- 3.7 A chimney breast would be constructed which would have a width of 0.5m from the eastern flank elevation and would have a maximum overall height of 8.0m.
- 3.8 The proposed exterior finish of the dwelling includes render, facing brick and a tiled roof.
- 3.9 Amended plans were received during the course of the application which reduced the principal width of the proposed dwelling by 0.5m.

4. Consultee Responses

4.1 Hertfordshire Ecology: No objection

"I was pleased to see that both a Preliminary Ecological Assessment (PEA) and a bat survey have been carried out on this property.

There are records of the following protected species either on the site or with in a significant distance of the site: Bats and Great Crested Newts. There is also habitat on the site suitable for nesting birds and hedgehogs

1. Bats

Bats and their roosts are protected under European and national legislation and in general terms, it is an offence to disturb or harm a bat, or damage or obstruct access to a roost. They will roost in buildings (often under tiles) and trees if suitable features and conditions are available

A Preliminary Roost Assessment was carried out on 03 May 2018 this reports no bats or evidence of them; however a number of potential roosting features were identified around the building and it was considered to have high potential for roosting bats. As a result a Bat Survey report (by Arbtech) was carried on 13 June 2018. Following Bat Conservation Trust best practice guidelines, follow-up dusk emergence / dawn re-entry surveys were undertaken on 1 and 22 May, and 05 June 2018 and no bats were recorded emerging from or entering the house. Common pipistrelle and serotine bats were seen foraging and passing along the trees to the north of the site which is Adjacent to Deciduous Woodland.

On the basis of the above, I recommend a precautionary approach to the works is taken and advise the following Informatives are added to any permission granted:

"If bats, or evidence for them, are discovered during the course of demolition works, work must stop immediately and advice sought on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900."

"Any external lighting should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites."

2. Birds

A similar approach is also suitable in terms of breeding birds and it is recommended that the following Informative is also added to any consent

"In order to protect breeding birds, their nests, eggs and young, demolition/major renovation activities should only be carried out during the period October to February. If this is not possible then a pre-development (same-day) search of the area should be made by a suitably experienced ecologist. If active nests are found, then clearance work must be delayed until the juvenile birds have left the nest and are fully independent or professional ecological advice taken on how best to proceed."

3. Great crested newts

Great crested newts are protected under European and national legislation and it is an offence to disturb or harm them, their eggs and their breeding sites and resting places. These amphibians spend the majority of their lifecycle on land, typically up to 200m from

their breeding pond but can travel further if the dispersal and sheltering habitats are suitable for them.

There are three ponds within 500m that could provide suitable breeding habitat for this species. There are also records from ponds within the Local Wildlife Site (LWS) which lies adjacent to the north. The well-maintained garden habitat on site is sub-optimal for Great crested newts and is unlikely to support a resident population. Consequently I believe the risk of harming Great crested newts is slight. However they are likely to be in the adjoining woodland and could migrate from there onto the property. Because of this I believe a precautionary approach is appropriate and I recommend the addition of the following Informative to any consent:

“Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians to cross. Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons. Trenches should be provided with a means of escape for any animals that may have become trapped. This is particularly important if the trench fills with water. In the event that a Great crested newt is encountered during works, construction must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.”

4. Hedgehogs

Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006.

The species is therefore considered one of the UK’s target species to avoid further population decline.

The PEA identified the garden of the building to be an area that is suitable habitat for hedgehogs and it is possible that hedgehogs will be in the area. Therefore I recommend the addition of the following Informative to any consent:

“To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should also be covered at night or have ramps to prevent and avoid hedgehogs being trapped during construction. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.”

5. Finally, the planning system should aim to deliver overall net gains for biodiversity where possible as laid out in the National Planning Policy Framework and other planning policy documents. Simple biodiversity enhancements could be incorporated into the development proposal in the form of bat and bird boxes in trees or integrated bat roost units (bricks and tubes) in buildings, These should be considered at an early stage to avoid potential conflict with any external lighting plans. Advice on type and location of habitat structures should be sought from an ecologist.”

4.2 Landscape Officer: No objection

“This application is supported by an Arboricultural Report prepared by Merewood Arboricultural Consultancy dated 29th June 2018. The report has been prepared in accordance with the recommendations of BS:5837-2012 ‘Trees in relation to design, demolition and construction – recommendations’.

The proposal does not require the removal of any trees however there is potential for indirect damage to trees to the north of the site within Chipperfield Common. The Merewood

Arboricultural Consultancy Report outlines acceptable tree protection measures for the trees to the north of the site and adjacent to the access road across Chipperfield Common. This includes a proposed method statement for ground protection and protective fencing in sections 5.5-5.7. The method statement also includes some proposed minor works to some of the trees to ensure that low branches are not struck by construction vehicles. These details would be acceptable and I would be happy for the Merewood Arboricultural Consultancy Report to be considered as part of the approved plans if planning permission were granted. However the District Boundary runs along the northern boundary of the site and all of these protection measures and proposed works relate to trees within Dacorum Borough.

The proposed tree protection measures for the trees within the application site are acceptable. If planning permission is granted and the Merewood report is to be considered as part of the approved plans it will be necessary to include an informative that only the parts of the report which relate to land within Three Rivers District are approved.

I have no objection in principle to the proposals but would encourage the applicant to contact Dacorum Borough in relation to the proposals for the access road across Chipperfield Common.”

4.3 Sarratt Parish Council: No objection

“The Parish Council support this application and request that if officers are minded to REFUSE this that it is called into committee.”

4.4 Herts & Middlesex Wildlife Trust: No response received

4.5 National Grid: No response received

5. Neighbour Consultation

5.1 Site/Press Notice:

Site notice posted 22.08.2018, expired 12.09.2018
Press notice not required.

5.2 No. consulted: 5

5.3 No. of responses received: 1

- No concerns of overlooking
- The new dwelling would fit in with the character of nearby houses
- Pleased that no trees will be removed
- The proposal will have less of a footprint than extending

5.4 Material planning considerations are addressed in this report.

6. Relevant Local and National Policies

6.1 On 24 July 2018 the revised NPPF was published, to be read alongside the online National Planning Practice Guidance. The 2018 NPPF is clear that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”.

- 6.2 The Core Strategy was adopted on 17 October 2011 after the Inspector concluded that it was sound following Examination in Public which took place in June 2011. Relevant policies of the adopted Core Strategy include CP1, CP3, CP8, CP9, CP10, CP11 and CP12.
- 6.3 The Development Management Policies Local Development Document (LDD) 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 of the adopted Development Management Policies LDD include DM1, DM2, DM4, DM6, DM13 and Appendices 2 and 5.
- 6.4 The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).
- 6.5 The Localism Act received Royal Assent on 17 November 2011. The Growth and Infrastructure Act received Royal Assent on 25 April 2013.
- 6.6 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.

7. Analysis

Principle of Development

- 7.1 The application site does not lie within a Conservation Area and the existing building is not a Listed or Locally Listed Building. As such, there are no overriding policy requirements to retain the existing dwelling.

Impact on Metropolitan Green Belt

- 7.2 The National Planning Policy Framework (NPPF) sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. One of the purposes of including land within Green Belt is to safeguard the countryside from encroachment.
- 7.3 The NPPF identifies the five purposes of including land in Green Belts as:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns from merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 7.4 Paragraph 145 of the NPPF indicates that the construction of new buildings within the Green Belt should be regarded as inappropriate; inappropriate development in the Green Belt is, by definition harmful. However, the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces, is listed as one of the exceptions to inappropriate development.
- 7.5 Policy CP11 of the Core Strategy (adopted October 2011) sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it.
- 7.6 Policy DM2 of the Development Management Policies LDD (DMP LDD) (adopted July 2013) states that replacement dwellings in the Green Belt will only be permitted where the replacement does not materially exceed the size of the original dwelling and the

replacement would not be more harmful to the visual amenity and openness of the Green Belt by reason of its siting than the original dwelling.

- 7.7 The dimensions of the existing dwelling and the proposed replacement dwelling provides a good reference point for the assessment of the appropriate size for replacement dwellings. The existing dwelling has a principal width and depth of 8.1m and 7.4m, respectively, at ground at first floor level. The existing dwelling has a hipped roof form with an eaves height of 5.0m and an overall height of 8.7m. The existing dwelling contains a front extension which has a depth of 1.3m, a width of 4.8m and a mono-pitched roof with an eaves height of 2.4m and an overall height of 3.1m; a single-storey side extension which has a width of 3.0m, a depth of 3.4m and a mono-pitched roof with an eaves height of 2.4m and an overall height of 3.4m; and a single-storey rear extension which has a width of 5.0m, a depth of 1.4m and a mono-pitched roof with an eaves height of 2.6m and an overall height of 3.6m. The proposed replacement dwelling would have a principal width and depth of 10.1m and 10.7m, respectively, at ground at first floor level. The proposed dwelling would have a hipped roof form to the front with an eaves height of 5.0m and a maximum overall height of 8.3m. The proposed roof form would contain two rear projecting hipped roof forms, the easternmost projection being set down from the roof by 0.2m and the westernmost being set down by 0.8m. The proposed replacement dwelling would have a single-storey side projection which would have a width of 3.8m, a depth of 5.0m and part hipped, part flat roof form with an eaves height of 2.4m and an overall height of 3.6m; and a single-storey rear projection which would have a width of 4.8m, a depth of 2.4m and a mono-pitched roof with an eaves height of 2.4m and an overall height of 3.7m.
- 7.8 Specific guidance on the interpretation of 'disproportionate additions' is provided in the Council's Supplementary Planning Guidance No.3 'Extensions to Dwellings in the Green Belt'. The guidance looks to assess this issue in terms of criteria relating to both impact on openness as well as percentage increase in floorspace. With regard to percentage increase in floorspace, the SPG guidance seeks to ensure that cumulative additions do not give rise to more than a 40% increase over the floorspace of the original dwelling. Although the 40% rule guide relates to extensions to dwellings it also provides a reference point for the assessment of the appropriate size for replacement dwellings.
- 7.9 It is noted that, within the Design & Access Statement which accompanies this application, the floorspace calculations produce a total existing floor area of 193.5m². This calculation involves floorspace measurements being taken from the gross external dimensions of the building, and includes roofspace over 1.5m in head-height and the existing detached, open-fronted carport building with a corrugated iron roof to the west of the dwelling. The existing and proposed external footprint is also considered as part of this application however for the purposes of calculating floorspace, the LPA has taken measurements from the gross internal floor areas of the existing building. The loft space is given limited weight in the consideration of this application and as such is not included in the internal floorspace calculations. Given that it has not been demonstrated that the loft is habitable floorspace, with no stairs to access it and minimal standing headroom, it is considered that this is solely roof storage space. The existing car port is also given limited weight and as such is also not included in the internal floorspace calculations. The proposed development would involve a large detached dwelling on a large plot with no internal garage/storage provision and it is not unreasonable to assume that, even if the floorspace of the car port were to be included in the floorspace of the existing dwelling, there would be future pressure to allow a detached garage. The LPA therefore calculates that the existing building has a gross internal floorspace of approximately 125m². The proposed replacement dwelling would have a gross internal floorspace of approximately 216m² which would be 73% greater than the building that it would replace.
- 7.10 The proposed replacement dwelling would have a footprint of 141m² whilst the existing building has a footprint of 86m².

- 7.11 The applicant provided approximate volume calculations of the existing dwelling and the proposed replacement dwelling which amount to 492m³ and 820m³ respectively.
- 7.12 Given the above considerations, the proposed replacement building is considered to be materially larger than the one it would replace and as such the proposal would constitute inappropriate development. Paragraph 143 of the NPPF states that inappropriate development should not be approved except in very special circumstances. With regards to 'very special circumstances' the NPPF states that:
- 7.13 'Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'
- 7.14 The applicant's statement sets out that should planning permission not be granted for the proposed scheme the applicant could implement extensions approved via lawful development certificates 18/1115/CLPD, 18/0388/CLPD, 18/0083/PDE and 17/2235/CLPD which include a ground floor side extension, a ground floor side and rear extension and a two-storey rear extension.
- 7.15 The applicant therefore contends that these extensions provide a fall-back position which would result in additional harm in comparison to the current scheme. Case law has established that there needs to be a reasonable possibility that a fall-back position would be implemented for it to be a material consideration.
- 7.16 The LPA is of the view that the fall-back position is valid however it is important to assess whether the fall-back position would have a greater impact on the Green Belt than the proposed development. The table below sets out the differences between the proposed development and the fall-back scheme.

	Existing	Fall-back	Proposed
Max. height	8.7m	8.7m	8.3m
Max. ground floor width	11.1m	15.5m	14.0m
Max. first floor width	8.1m	8.1m	10.1m
Max. ground floor depth	10.3m	16.8m	14.1m
Max. first floor depth	7.4m	10.5m	10.7m
Footprint	86m ²	175m ² (103% increase)	141m ² (64% increase)
Floorspace	125m ²	224m ² (79% increase)	216m ² (73% increase)
Volume	492m ³	845m ³ (72% increase)	820m ³ (67% increase)

- 7.17 As detailed in the above comparison table, whilst the proposed development would be materially larger than the existing dwelling, the proposal would have a lesser maximum height; maximum ground floor width; maximum ground floor depth; footprint; floorspace; and volume than the fall-back position.
- 7.18 The proposed development would however represent an increased first floor width of 2.0m compared to the fall-back position. Whilst this would represent a material increase to the upper floor bulk and massing of the dwelling, it is considered that, on balance, the proposed

development would be acceptable given that it would lessen the spread of development across the site in terms of height, maximum width, maximum depth, floorspace, footprint and volume. On balance, it is therefore considered that the proposed development would result in a betterment to the openness of the Green Belt compared to the fall-back position approved under permitted development.

- 7.19 The proposed development would also represent an increased first floor depth than the fall-back position of 0.2m. It is not considered that this would result in a detrimental impact upon the openness of the Metropolitan Green Belt over and above the fall-back position approved under permitted development.
- 7.20 The proposed development would include a large detached dwelling on a large plot with no internal garage/storage provision. It is noted that a certificate of lawfulness for a detached single-storey double garage with store to the west of the dwelling was approved (18/1115/CLPD). Whilst this permitted development garage will not be able to be implemented should planning permission be granted and implemented for the proposed replacement dwelling, it is attributed limited weight in the consideration of the replacement dwelling for reasons that it is not unreasonable to assume that even if permitted development rights were removed in relation to outbuildings there would be future pressure to allow a detached garage and additional outbuildings for the storage of normal garden furniture and tools.
- 7.21 As such, the proposed scheme is considered to represent a betterment to the openness of the Metropolitan Green Belt than that allowed under permitted development (18/0388/CLPD, 18/0083/PDE and 17/2235/CLPD). The fall-back position therefore provides the very special circumstances required to justify the granting of planning permission for the development proposed within the Green Belt.

Impact on Character & Appearance

- 7.22 Paragraph 124 of the NPPF sets out that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 7.23 Policy CP12 of the Core Strategy relates to the 'Design of Development' and states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area. Appendix 2 of the DMP LDD sets out design criteria for residential development that aim to ensure that alterations and extensions do not lead to a gradual deterioration in the quality of the built environment.
- 7.24 Policy CP1 of the Core Strategy seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy set out that development should make efficient use of land but should also 'have regard to the local context and conserve or enhance the character, amenities and quality of an area.'
- 7.25 Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) set out that new residential development should not be excessively prominent in relation to the general streetscene and should respect the character of the streetscene, particularly with regard to the spacing of properties, roof form, positioning and style of windows and doors and materials.
- 7.26 The application dwelling as existing is a detached dwelling of a traditional rural character with a hipped roof form with a horizontal ridge of a nominal size. The dwelling has been extended at ground floor level with a front porch extension. Single-storey side and rear extensions have also been implemented. The replacement dwelling would be a two-storey

dwelling with a hipped roof forms and would largely appear traditional in character. The exterior finish of the dwelling would consist of traditional materials such as render, facing brick and roof tiles. It is not considered that the proposed replacement dwelling would be of a detriment to the area or lead to the deterioration in the quality of the built environment.

- 7.27 The principle of the replacement two-storey dwelling would not be out of character within the local context and would not have a detrimental impact on the character of the area. The spacing achieved from the boundaries of the application site are considered sufficient and therefore would not be unduly prominent or result in over development of the site.
- 7.28 The development is therefore considered acceptable in this regard in accordance with Policies CP1 and CP12 of the Core Strategy and Policies DM1 and Appendix 2 of the DMP LDD.

Impact on Neighbours

- 7.29 Policy CP12 of the Core Strategy states that development should protect residential amenities by taking into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space.
- 7.30 Policy DM1 and Appendix 2 of the DMP LDD set out that new development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties. The Design Criteria (Appendix 2 of the Development Management Policies) state that two storey development to the rear of properties should not intrude a 45 degree splay line drawn across the rear garden from a point on the joint boundary level with the rear wall of the adjacent property, although this principle is dependent on the spacing and relative positions of dwellings.
- 7.31 When considering the spacing and the location of the proposed dwelling it is not considered that the proposed replacement dwelling would result in loss of light to the residents at this neighbouring property nor would there be any intrusion of the 45 degree splay line given the orientation of the application dwelling and neighbouring dwelling. The proposed replacement dwelling is located a significant distance from the neighbours adjoining the rear of the site.
- 7.32 Given the proximity to the shared boundary with Woodlea, and the separation distance between the dwellings it is considered that the glazing in the rear elevation would not result in additional harm over and above the existing situation in terms of overlooking. Given that the eastern flank elevation of the proposed dwelling directly faces Woodlea and the associated private amenity area adjacent to the rear and western flank walls of the dwelling, it is considered appropriate to condition the glazing above ground floor level in the eastern flank elevation of the proposed replacement dwelling to be obscurely glazed and non-opening below 1.7m from internal floor level.
- 7.33 The proposed dwelling would therefore not have a significant detrimental impact on the residential amenities of neighbouring properties and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the DMP LDD.

Wildlife and Biodiversity

- 7.34 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

- 7.35 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.
- 7.36 A Preliminary Bat Roost Assessment and follow-up dusk emergence / dawn re-entry surveys were undertaken and submitted in support of the application. Hertfordshire Ecology were consulted and confirmed that the evidence provided was sufficient for the application to be determined subject to informatives being included with any permission.

Trees and Landscaping

- 7.37 An Arboricultural Report was submitted in support of the application of which the Council's Landscape department were consulted on. The Council's Landscape Officer found the findings, recommendations and proposed tree protection measures of the report acceptable however it is advised that the applicant contacts Dacorum Borough Council in relation to the proposals for the access road across Chipperfield Common.

Highways, Access and Parking

- 7.38 Core Strategy Policy CP10 sets out that development should make sufficient provision for car and other vehicle parking. Policy DM13 of the Development Management Policies Document states development should make provision for parking in accordance with the parking standards set out in Appendix 5.
- 7.39 Parking Standards state that a four or more bedroom dwelling should have a total of three parking spaces. The driveway provides space for three parking spaces and as such is considered that there will be adequate parking space for present and future occupiers.
- 7.40 Access to the proposed replacement dwelling would remain as it exists currently and would not result in an unacceptable impact upon the local highway network over and above the existing situation.

Rear Garden Amenity Space

- 7.41 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space Appendix 2 of the Development Management Policies Document states that 'amenity space must be provided within the curtilage of all new residential developments.'
- 7.42 The application site would retain a rear amenity space of over 700sqm following the implementation of the proposed development. It is therefore considered that there will be adequate amenity space in accordance with Appendix 2.

Sustainability

- 7.43 Policy DM4 of the DMP LDD states that from 2016, applications for new residential development will be required to demonstrate that the development will meet a zero carbon standard (as defined by central government). However, the Government is yet to provide a definition for zero carbon and the Council is therefore continuing to apply the 2013 requirements, i.e. applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability.

- 7.44 The application has been accompanied by Sustainability Statement which demonstrates that the development would meet the requirements of Policy DM4. Savings would be achieved through the incorporation of energy efficiency measures.

8. Recommendation

That PERMISSION BE GRANTED subject to the following conditions:

Conditions

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.
- C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC0001 (Location Plan), 18.103-01 Rev B (Proposed Site Plan), 18.103-02 Rev D (Proposed Plans & Elevations), 18.103-03 Rev A (Existing & Proposed Comparison), 18.103-05 (Existing Plans & Elevations)
- Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality, the residential amenity of neighbouring occupiers and to protect the openness of the Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).
- C3 Before any building operations above ground level hereby permitted are commenced, samples and details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority and no external materials shall be used other than those approved.
- Reason: To ensure that the external appearance of the building is satisfactory in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).
- C4 Before the first occupation of the dwelling hereby permitted windows above ground level in the eastern flank elevation of the proposed replacement dwelling 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 windows are 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no windows/dormer windows or similar openings [other than those expressly authorised by this permission] shall be constructed in the flank elevations of the dwelling hereby approved.

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

- C6 The development hereby permitted shall be implemented in accordance with the details of the submitted Energy Statement. The approved details shall be implemented prior to the first use of the development and permanently maintained thereafter.

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

- C7 Immediately following the implementation of this permission, notwithstanding the provisions of Part 1, Classes A, B, C, D & E or Part 2, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (or any other revoking and re-enacting that order with or without modification), no enlargement, improvement or other alteration of the dwellinghouse subject of this permission shall be carried out without the previous express permission in writing of the Local Planning Authority, nor shall any building or enclosure required for a purpose incidental to the enjoyment of the said dwellinghouse as such, nor shall any gates, fences, walls or other means of enclosure be erected, constructed, or placed on any part of the land covered by this permission without such consent as aforesaid.

Reason: To ensure adequate planning control over further development having regard to the visual amenities of the locality, the residential amenity of neighbouring occupiers and to protect the openness of the Green Belt in accordance with Policies CP1, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM2, DM6, DM13 and Appendices 2 and 5 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 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement

Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

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.

12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.

13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The development maintains/improves the economic, social and environmental conditions of the District.

14 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx>

or by telephoning 0300 1234047

15 Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047