

**12. 18/0544/FUL - Part single, part two storey side and rear extension and front porch at 59 HIGH ACRES, ABBOTS LANGLEY, WD5 0JB, for Mr R Shalom (DCES)**

Parish: Abbots Langley Parish Council  
Expiry of Statutory Period: 15.05.2018

Ward: Gade Valley  
Case Officer: David Heighton

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: Abbots Langley Parish Council Objection

**1. Relevant Planning History**

1.1 Not applicable.

**2. Description of Application Site**

2.1 The application dwelling is a two storey end terraced property on a triangular shaped plot and is situated on the south western side of High Acres, Abbots Langley. The site is located just off Long Elms and is generally characterised by terraced housing of similar design that are on similar building lines but set at angles given the kinks and bend in the road from south to north.

2.2 The dwelling's exterior is bricked incorporating a gable roof, matching its attached neighbour, although this is an uncharacteristic feature within the street where the dwellings are of a hipped roof form. The frontage of the application dwelling contains an area of lawn with a tracked area of paved hardstanding to accommodate one vehicle. Whilst to the southern flank of the dwelling is an existing single storey projection, access gate and wall adjacent to the neighbouring set of garages. To the rear of the dwelling is a garden of approximately 108sqm with a patio and grass lawn which is enclosed by close boarded fencing approximately 1.6m-2m high to the south western flank boundary and mesh fencing approximately 1m high to the northern boundary.

**3. Description of Proposed Development**

3.1 This application seeks full planning permission for a part single, part two storey side and rear extension and front porch.

3.2 The proposed two storey side and rear extension would be constructed to the southern flank of the host dwelling, replacing the existing single storey front store. The two storey side extension would hold a width of 3.2m and a depth of 11.2m, extending in line with the existing front elevation. The original proposed extension would have a gable roof form; however, amendments have been received to alter the roof form to a hipped roof adjoining the existing ridge of the dwelling with a maximum height of approximately 8.1m and a height to the eaves of 4.9m.

3.3 A single storey rear extension is proposed which would have a maximum width of 3.6m, flush with the proposed the proposed two-storey rear and side extension and would have a depth of 3.6m from the original rear elevation of the dwelling. It would have a mono-pitched roof with a maximum height of 3.8m with two rooflights. A set of bi-folding doors would be inserted in the rear elevation.

3.4 The proposed front porch would be located outside the main front door, on the front elevation of the dwelling. It would have a depth of 1.3m and a width of 2.6m. The porch would have a pitched roof form with an eaves height of 2.6m and a reduced maximum overall height of 3.7m in line with the height of the bay window.

- 3.5 Amended plans submitted during the course of the application have reduced the height of the porch to match the height of the existing front bay and altered the roof form from a gable to a hipped roof form to the southern flank. Further amendments have removed the proposed solar panels, the detached garage and altered the proposed off-street parking arrangement in order to accommodate three vehicles.

#### **4. Consultation**

##### **4.1 Statutory Consultation**

- 4.1.1 Abbots Langley Parish Council: [Objection]  
Overdevelopment of the plot  
Little amenity space  
Inadequate Off-Street Car Parking for a four bedroom property

- 4.1.2 National Grid: No comments received.

##### **4.2 Public/Neighbour Consultation**

- 4.2.1 Number consulted:8                      No responses received: 1
- 4.2.2 Site Notice: Posted 06.04.2018 - Expired: 27.04.2018                      Press notice: N/A
- 4.2.3 Summary of Responses:  
Extension would block sunlight into rear garden  
Extension depth would affect privacy

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

- 5.1 Not applicable.

#### **6. Relevant Planning Policy, Guidance and Legislation**

##### **6.1 National Planning Policy Framework and National Planning Practice Guidance**

On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF) and 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 states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. 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.

##### **6.2 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, DM5, DM6, DM13 and Appendices 2 and 5.

### 6.3 Other

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

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

## 7. **Planning Analysis**

### 7.1 Impact on Character and Street Scene

- 7.1.1 Policy CP1 of the Core Strategy (adopted October 2011) seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy (adopted October 2011) relates to design and states that in seeking a high standard of design the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'. Development should make efficient use of land but should also respect the 'distinctiveness of the surrounding area in terms of density, character, layout and spacing, amenity, scale, height, massing and use of materials'; 'have regard to the local context and conserve or enhance the character, amenities and quality of an area' and 'incorporate visually attractive frontages to adjoining streets and public spaces'.
- 7.1.2 Policy DM1 and Appendix 2 of the Development Management Policies document set out that development should not have a significant impact on the visual amenities of an area. The Design Guidelines (Appendix 2 of the Development Management Policies document) state that generally the maximum depth of single storey rear extensions to semi-detached dwellings should be 3.6m although this distance may be reduced if the extension would adversely affect adjoining properties or be unduly prominent.
- 7.1.3 The size and volume of side extensions and two storey rear extensions will be individually assessed according to the characteristics of the property. However the Design Guidelines advise that the first floor element of two storey side extensions should be set in a minimum of 1.2m from flank boundaries.
- 7.1.4 At ground floor the rear extension would have a depth of 3.6m from the rear of the original building. This would therefore comply with the recommended depth of 3.6m set out in the design guidelines in Appendix 2 of the DMPLDD (2013). The roof over the rear extension would be pitched to the rear and be of gable form to the front and side. The first floor element would be set in 2.1m from the boundary with No 14 Long Elms and 3.6m from the boundary with No 57 High Acres. Therefore, the requirement for the first floor to be set in 1.2m from the boundary would be met on both sides so that the proposal would not result in a terracing effect in the street.
- 7.1.5 The height of the main roof would not be increased. However, the width would increase by 3.2m on the southern flank elevation of the roof facing the street. The height would therefore remain consistent with the height of the adjoining semi-detached property at No. 57 High Acres. It is not considered that the increase in width of the roof would impact

adversely on the street scene and would not appear overly prominent when viewed from the properties behind, on Long Elms.

- 7.1.6 The two storey side extension would alter the character of the house, however, amended plans including a reduction of the roof bulk and massing has been submitted. Although the revised roof form proposal differs from the existing and introduces a hipped element, this would be in keeping with the existing street scene and is a prominent feature of corner plots on the street. Two storey extensions are assessed on their individual merits according to the characteristics of the particular property and given that the two-storey rear extension would extend a maximum depth to the rear of 3.6m it is considered that the scale of it would not have an adverse impact of the character and appearance of the host dwelling or area. The two-storey side and rear extensions would have a hipped roof form, which would respect the character and appearance of the host dwelling and the area. Furthermore, the scale of the two storey side extension is proposed to be limited to half the width of the original house and would be in line with the front elevation, which further minimises the visual prominence of the extension. Overall, the proposed reduction in roof massing, style and design would not result in an over bulky roof form and would not be unduly prominent or out of character in the street scene.
- 7.1.7 The single storey extension element adjoining No. 57 High Acres would be located to the rear of the property such that views of it from the street scene of High Acres would be significantly obscured. In terms of the proposed design and scale, it is considered acceptable with bi-folding rear doors and mono-pitched roof with two flush rooflights to a maximum 3.8m height and 2.6m eaves height at ground floor level. It is therefore considered that that the proposed single storey rear extension would not appear unduly prominent or out of character in the context of the dwelling or local area.
- 7.1.8 The proposed front porch would include a new pitched roof to the main front door of the dwelling. Amendments to reduce the height of the porch in line with the bay window form part of the revised amendments. It is considered that the scale and appearance of the proposed front porch would have a subservient appearance in the context of the dwelling, having a negligible visual impact on the street scene.
- 7.1.9 The fenestration proposed includes glazing at ground and first floor level on the front, rear and flank elevations of the two storey side extension. It is not considered that the glazing proposed is excessive and it would not appear harmful to the detriment of the character and appearance of the host dwelling or the street scene.
- 7.1.10 Subject to the extensions being finished in materials to match and complement the host dwelling, the proposed development would not be unduly prominent in the street scene or result in demonstrable harm to the character or appearance of the application dwelling, street scene or area. The proposals are, therefore, considered to be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

## 7.2 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 residential development should not result in loss of light to the windows of neighbouring properties nor allow overlooking, and should not be excessively prominent in relation to adjacent properties.
- 7.2.2 To ensure that loss of light would not occur to the habitable rooms of neighbouring dwellings as a result of new development, the Design Criteria at Appendix 2 of the Development Management Policies document advise that two storey development should not intrude a 45 degree spay line across the rear garden from a point on the joint

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 the position of windows and development on neighbouring properties.

- 7.2.3 The Residential Design Criteria at Appendix 2 of the Development Management Policies document also advise that in the interests of privacy and to prevent overlooking, windows of habitable rooms at first floor level and above should not generally be located in flank elevations. Flank windows of other rooms should be non-opening, below 1.7m from internal floor level and obscure glazed.
- 7.2.4 The proposed part two storey rear extension would not intrude a 45 degree splay line taken from the boundary in line with the rear elevation of the neighbour to the north, No. 57 High Acres. This neighbour is on the same land level and is built in line with the application dwelling. Given that the proposed two storey element of the extension would be set in 2.5m from the shared southern boundary, it would not result in loss of light to the rear of this neighbour.
- 7.2.5 The proposed single storey part of the extension would be built adjacent to the neighbour at No.57 and would project 3.6m deeper than the existing ground floor rear elevation of this neighbour. Given the proposed height of the single storey element, there is minimal potential for overshadowing. Therefore, the proposed ground floor extension would not result in loss of light or have an overbearing impact.
- 7.2.6 To the south flank the site adjoins a set of garages with No. 14 and No 12 Long Elms adjoining the south western boundary. Given the site circumstances including the relationship between these dwellings and distance from their rear elevations, it is considered that the extensions would not therefore cause loss of light or appear overbearing to these neighbours resulting in demonstrable harm.
- 7.2.7 Glazing at all floor levels is proposed to the rear of the dwelling. This glazing would not directly back on to dwellings to the rear. As such, there would not be overlooking to any neighbouring habitable windows. While there would potentially be views of neighbouring gardens to the south west, these views would not be significantly different to existing views available from the first floor fenestration so as to cause loss of privacy justifying refusal of permission.
- 7.2.8 The single storey front porch extension would be set in from both boundaries and of limited depth such that it would not result in harm to neighbouring amenity.
- 7.2.9 The Design Criteria at Appendix 2, state that first floor windows located within flank elevations should be non-opening below 1.7 metres (from internal floor level) and obscure glazed. As such, a condition would be attached requiring the proposed southern flank elevation ensuite bathroom windows at first floor level would be obscured and non-opening below 1.7 metres to reduce any overlooking towards neighbouring properties.
- 7.2.10 In summary, subject to conditions it is not considered that the proposed development would result in a significant adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

### 7.3 Amenity Space Provision for future occupants

- 7.3.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. The Design Guidelines (Appendix 2 of the Development Management Policies document) set out that a four bedroom dwelling should provide 105sqm amenity space.

7.3.2 The application site would retain a rear garden of approximately 75sqm. Due to concerns raised with regards to the overdevelopment of the plot and limited amenity space the proposed garage has been removed from the application. As such, the required levels of usable amenity space would be approximately 143sqm and therefore there would be ample amenity space for current and future occupiers.

#### 7.4 Wildlife and Biodiversity

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

7.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

7.4.3 The application has been submitted with a Biodiversity Checklist and states that no protected species or biodiversity interests will be affected as a result of the application. However, given that the development would affect the roof of the dwelling an informative would be added to any consent advising the applicant what to do should bats be discovered during the course of development.

#### 7.5 Trees and Landscaping

7.5.1 Policy CP12 of the Core Strategy expects development proposals to 'have regard to the character, amenities and quality of an area', to 'conserve and enhance natural and heritage assets' and to 'ensure the development is adequately landscaped and is designed to retain, enhance or improve important existing natural features'.

7.5.2 Policy DM6 of the Development Management Policies document sets out requirements in relation to trees, woodlands and landscaping and sets out that:

- i) Proposals for new development should be submitted with landscaping proposals which seek to retain trees and other important landscape and nature conservation features. Landscaping proposals should also include new trees and other planting to enhance the landscape of the site and its surroundings as appropriate.
- ii) Development proposals on sites which contain existing trees and hedgerows will be expected to retain as many trees and hedgerows as possible, particularly those of local amenity or nature conservation value or hedgerows considered to meet the Hedgerow Regulations 1997.
- iii) Development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant standards.
- iv) Development should be designed in such a way as to allow trees and hedgerows to grow to maturity without causing undue problems of visibility, shading or damage. Development likely to result in future requests for significant topping, lopping or felling will be refused.
- v) Planning permission will be refused for any development resulting in the loss or deterioration to protected woodland (including ancient woodland), protected trees (including aged or veteran trees) and hedgerows, unless conditions can be imposed to secure their protection.

7.5.3 No significant trees would be affected by the proposed development.

## 7.6 Highways, Access and Parking

7.6.1 Core Strategy Policy CP10 requires development to provide a safe and adequate means of access and to make adequate provision for all users, including car parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out parking standards and advise that a four or more bedroom dwelling should provide parking for three vehicles.

7.6.2 The proposed development would result in a four/five bedroom dwelling. After concerns were raised with regard to the use of the proposed garage for vehicles and provision of sufficient off-street parking amendments were received for the provision of three off-street car parking spaces, which can be accommodated in accordance with set standards.

7.6.3 When considering the submitted amended plan, three off street parking spaces are to be provided within the new area of hardstanding as opposed to a front lawn. It is noted that currently the site not served with a drop kerb. Nevertheless, the works to the drop kerb are outside the application site; however, such works would be subject to a legal section 278 agreement with the County Council. An informative has been attached to the decision.

## 8. **Recommendation**

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

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91(1) of the Town and Country Planning Act 1990 and as amended by the Planning and Compulsory Purchase Act 2004.

C2 The development hereby permitted shall be carried out in accordance with the following approved plans: TRDC 001 (Location Plan) and H/6151 REV A

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

C3 Unless specified on the approved plans, all new works or making good to the retained fabric shall be finished to match in size, colour, texture and profile those of the existing building.

Reason: To ensure a satisfactory appearance of the development and to maintain the character and appearance of the area 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 The development shall not commence until permission has been sought from Hertfordshire County Council as the Highway Authority for a dropped kerb to allow ingress and egress to the approved parking layout as shown on drawing number H/6151A. The approved dropped kerb details from the Highway Authority shall also be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not commence until the approved dropped kerb has been fully implemented in accordance with the details approved by both the Highway Authority and the Local Planning Authority. The agreed dropped kerb and approved parking layout once implemented shall be permanently retained thereafter.

Reason: This is a pre-commencement condition to ensure that acceptable and safe access can be provided and achieved into the application site to allow for on-site parking in accordance with Policies CP1 and CP10 of the Core Strategy (adopted October 2011) and Policies DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C5 Before the first occupation of the development hereby permitted, the southern flank elevation windows at first floor level shall be fitted with purpose made obscured glazing and shall be top level opening only at 1.7m above the floor level of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.

Reason: To safeguard the amenities of the occupiers 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).

## 8.2 Informatives

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

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £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](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. 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.

- I2 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 submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

- 13 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 14 The applicant is advised that the requirements of the Party Wall Act 1996 may need to be satisfied before development commences.
- 15 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:

The UK Bat Helpline: 0845 1300 228

Natural England: 0300 060 3900

Herts & Middlesex Bat Group: [www.hmbg.org.uk](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. A list of bat consultants can be obtained from Hertfordshire Ecology on 01992 555220).

- 16 The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047