

14. 18/0677/FUL - Construction of a first floor side extension, single storey rear extension and two storey rear extension at 34 ROMAN GARDENS, KINGS LANGLEY, WD4 8LG for Mr A Fitzgerald

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 04/06/2018

Ward: Gade Valley
Case Officer: Tom Norris

Recommendation: That Planning Permission be granted

Reason for consideration by the Committee: Called-in by Abbots Langley Parish Council

1. Relevant Planning History

- 1.1 18/0346/PREAPP - Pre-Application Advice: Proposed first floor side extension above garage and two storey side and rear extension - 15.03.2018

2. Description of Application Site

- 2.1 The application site comprises a two-storey, detached dwelling on the western side of Roman Gardens, Kings Langley.
- 2.2 Roman Gardens is formed of a number of cul-de-sacs and is characterised predominantly by a mix of two-storey semi-detached and terraced properties of similar architectural style, some of which have been extended and altered.
- 2.3 The application dwelling has dark tiled pitched roof forms and a red facing brick exterior. The dwelling has an attached garage which provides one off-street parking space. There is hardstanding to the front of the dwelling which would provide at least two additional off-street parking spaces. To the rear is a patio area and area of lawn. Closed boarded fence encloses the rear garden.
- 2.4 The site lies adjacent to the Grand Union Canal, located to the west of the site. To the east of the site is the adjoining, unattached neighbour at no.35 Roman Gardens; a semi-detached dwelling of similar architectural style to the application dwelling, with a similar front and rear building line.

3. Description of Proposed Development

- 3.1 Full planning permission is sought for the construction of a part single-storey, part two-storey rear extension and a two-storey side extension.
- 3.2 The two-storey element of the rear extension would have a maximum depth of 1.6m from the principal rear elevation of the dwelling. The extension would have a maximum width of 4.4m and would be set in 1.5m from the eastern flank elevation of the dwelling. The extension would have a hipped roof form with an eaves height of 5.0m and a maximum overall height of 6.6m, set down some 1.0m from the overall ridge height of the dwelling. A window would be inserted at first floor level in the rear elevation of the extension.
- 3.3 The single-storey element of the rear extension would have a maximum depth of 3.4m from the principal rear elevation of the dwelling. The extension would have a maximum width of 8.4m extending across the full width of the rear of the dwelling and the proposed side extension. The extension would have a hipped roof form with an eaves height of 2.5m and a maximum overall height of 3.6m. A set of bifold doors would be inserted at ground floor level in the rear elevation of the extension. A window would be inserted at ground floor level in the eastern flank elevation of the extension.

3.4 The proposed two-storey side extension would have a maximum width of 2.8m and be built on the western flank elevation of the dwelling. The proposed side extension would be built in line with the existing principal front and rear elevations and continue the pitch and height of the main roof of the dwelling. A window would be inserted at first floor level in the front elevation of the extension. A window would be inserted at first floor level in the rear elevation of the extension. Two windows would be inserted at ground floor level in the western flank elevation of the extension. The existing garage at ground floor level would be retained.

3.5 Amended plans were sought during the application process which reduced the depth of the two-storey rear extension and removed the splayed wall on the ground floor rear extension.

4. Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: Objection.

Original Scheme (26/04/2018)

"Members object to this proposed, cramped overdevelopment of the site with contrived parking arrangements, awkward access and little amenity space, which is out of character with the area and surrounding properties. They are concerned about the possibility of the loss of trees and the vulnerability of the existing hedge to the front of the property. If officers are minded to approve this application then Members request that it is referred to Three Rivers Planning Committee for consideration."

Amended Scheme

No response received.

4.1.2 Canal & River Trust: No objection.

"The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a statutory consultee in the development management process.

The Trust has reviewed the application. This is our substantive response under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Based upon the information available we have no comment to make."

4.1.3 Hertfordshire Archaeology: No objection.

"The extension to the dwelling largely occupies the footprint of the existing conservatory, or is above the existing garage. In this instance, therefore, I consider that this proposal is unlikely to have a significant impact on heritage assets of archaeological interest, and I therefore have no comment to make upon the application."

4.1.4 National Grid: No response received.

4.1.5 Landscape Officer: No response received.

4.2 Public/Neighbour Consultation

- 4.2.1 Neighbours were originally consulted on 10.04.2018 for a 21 day period and re-consulted on amended plans on 10.05.2018 for a 14 day period.
- 4.2.2 Neighbours consulted: 3 No. responses received: 2 (10.04.2018)
- 4.2.3 Neighbours consulted: 3 No. responses received: 1 (10.05.2018)
- 4.2.4 Site Notice posted 13.04.2018, expired 04.05.2018
- 4.2.5 Press Notice published 20.04.2018, expired 11.05.2018
- 4.2.6 Summary of Responses:

Responses received following neighbour consultation on 10.04.2018

- Concerns over loss of light
- Concerns over loss of privacy due to overlooking
- Concerns over loss of view of canal
- Concerns over impact upon drainage network from increased foul water and waste disposal

Responses received following neighbour re-consultation on 10.05.2018

- Concerns over loss of light
- Concerns over loss of privacy due to overlooking
- Concerns over impact upon drainage network from increased foul water and waste disposal
- Concerns over additional traffic

- 4.2.7 Material planning considerations are addressed in this report.

5. Reason for Delay

- 5.1 None.

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, DM6, DM8, DM13 and Appendices 2 and 5.

The Site Allocations Local Development Document (SALDD) was adopted on 25 November 2014 having been through a full public participation process and Examination in Public.

6.3 Other

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

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 The two-storey rear extension would have a maximum depth of 1.6m from the principal rear elevation of the dwelling. The extension would be set in from the eastern flank elevation of the dwelling and would have a width of 4.4m. The extension would have hipped roof forms with a maximum overall height of 6.6m from natural ground level; set down 1.0m from that of the maximum overall ridge height of the dwelling. The eaves height of the extension would match that of the host dwelling with a maximum height of 5.0m. Views of the proposed rear extension would largely be limited from the streetscene of Roman Gardens however it would be readily visible from public land which runs adjacent to the canal to the west of the application dwelling. It is however considered that the proposed extension would not appear harmful to the streetscene of Roman Gardens or the character and appearance of the area. It is also considered that the proposed

extension would respect the host dwelling in terms of its scale and as such it is not considered that it would result in harm to its character.

- 7.1.3 The single-storey extension would have a depth of 3.4m and would have a hipped roof form. Views of the proposal would largely be obscured from the streetscene. Although some limited views of the single storey element of the extension may exist from the public realm, it is not considered that they would be harmful to the streetscene. It is also considered that the proposed extension of 3.4m in depth is proportionate to the scale of the host dwelling and therefore would not be harmful to its character.
- 7.1.4 The proposed two-storey side extension would be located to the western elevation and sited over the existing garage and would be readily visible from public vantage points to the west and from the Grand Union Canal. The extension would provide a continuation of the existing front and rear elevations of the dwelling and it would have a pitched roof form, preserving the height and angle of the existing roof pitch. It is therefore considered that the proposal would not result in a prominent or out of character feature in the context of the streetscene. The extension would be built up to the boundary at first floor level however, whilst this would not meet the requirements set out in the Design Criteria at Appendix 2 with regards to maintaining 1.2m spacing, as there are no neighbours to the west it is considered that the proposal would not cause a terracing effect within the streetscene. Whilst the proposed development would alter the appearance of the host dwelling, it would not result in the application dwelling appearing unduly prominent or out of keeping to the detriment of the street scene or character of the area.
- 7.1.5 The fenestration proposed includes additional glazing to each elevation of the dwelling. It is considered that the glazing proposed would be in keeping with the scale of the dwelling and would therefore not appear harmful to the detriment of the character and appearance of the host dwelling or the streetscene.
- 7.1.6 In summary, it is considered that the proposed development would not result in harm to the visual amenities of the street scene or character and appearance of the area. The proposal would therefore be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy, Policies 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. Two-storey development to the rear of properties should not intrude a 45 degree splay line taken from a point level with the rear wall of the adjoining neighbour from the shared boundary.
- 7.2.2 The proposed two-storey rear extension would extend the built form of the dwelling rearwards adjacent to the shared boundary with no.35 by some 1.6m at two-storey level. It has been demonstrated by the Block Plan submitted with the application that the proposed extension would not intrude a 45 degree splay line taken from a point level with the rear wall of the adjoining neighbour from the shared boundary. A spacing of some 3.1m from the proposed extension and the shared boundary with this neighbour would also be retained. It is therefore considered that given the scale and spacing, with the roof to be hipped away from the shared boundary, the proposed two-storey rear extension would not lead to a detrimental loss of light to the neighbour at no.35 to justify refusal of planning permission.

- 7.2.3 The extension at ground floor level would have a depth of 3.4m on the shared boundary with the unattached neighbour at no.35. It is however considered, given the proposed scale of the extension, that the proposal would not result in a loss of light or have an overbearing impact upon this neighbour. The extension would have a glazing in the rear elevation however, given that this would be at ground floor level and rearward facing; it is not considered that the proposal would give rise to an unacceptable level of overlooking.
- 7.2.4 Glazing in the form of a window is proposed to the flank elevation at ground floor level facing no.35 which would serve the kitchen. It is noted that there is close boarded fencing of some 1.8m in height on the shared boundary with no.35. Although the internal floor level within the dwelling may be nominally higher than the ground level externally, it is not considered that the aforementioned window would not result in any unacceptable level of overlooking as the outlook into the rear garden of no.35 would be significantly obscured by the fencing. It is also considered that the views achievable from this window would not be materially different to those which could be achieved from standing in the same position within the rear garden.
- 7.2.5 The proposed glazing to the rear elevation of the extension at first floor level would provide some views towards the end of the rear garden of no.35 however it is not considered that they would be materially different to those that can be achieved currently and as such it is not considered that unacceptable levels of overlooking would arise from the proposed development.
- 7.2.6 The proposed two-storey side extension would be sited on the opposite flank of the dwelling to no.35 and contained within the existing front and rear building lines such that it is considered that it would not lead to any degree of overshadowing to this neighbour. There would be glazing in the flank elevation at ground floor level facing towards the Grand Union Canal however it is not considered that this would give rise to any unacceptable level of overlooking. This is also indicated to be obscurely glazed to prevent inward looking and loss of privacy to the application dwelling.
- 7.2.7 In summary, it is not considered that the proposed development would result in any significant adverse impact on the residential amenity of any neighbouring dwelling; subject to conditions 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 document.

7.3 Wildlife and Biodiversity

- 7.3.1 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.
- 7.3.2 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.
- 7.3.3 The application has been submitted with a Biodiversity Checklist which 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.

7.4 Trees and Landscaping

7.4.1 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'.

7.4.2 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.

7.4.3 No trees are proposed to be removed as part of the proposals. The Council's Landscape Officer was consulted as part of the proposal however no response was received. There are a number of relatively tall trees located on the public swathe of grassland to the west of the application dwelling. It is however considered, given their proximity to the proposed two-storey side extension which would stay within the existing footprint of the garage and conservatory, that they would not be adversely affected.

7.5 Amenity Space

7.5.1 Policy CP12 of the Core Strategy states that development should take into account the need for adequate levels and disposition of amenity and garden space. Section 3 (Amenity Space) of Appendix 2 of the Development Management Policies document provides indicative levels of amenity/garden space provision. A four bedroom dwelling should provide 105sqm of amenity space. Although, as a result of the proposed development, the application dwelling would retain a garden of 77sqm, there is good access to public open space within close proximity. On balance, although there is a slight shortfall of amenity space provision within the curtilage of the dwelling, the proposals are considered to be acceptable.

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 sets out parking standards for developments within the District. The standards state that a four bedroom dwelling should make provision for three off-street parking spaces within the residential curtilage.

- 7.6.1 The proposed development would result in the application dwelling containing four bedrooms. The proposed block plan indicates that the hardstanding to the front of the dwelling is large enough to accommodate three parking spaces of the standard 4.8m by 2.4m size. It is however considered that this arrangement is cramped and may not practicably achievable. Notwithstanding this, the integral garage is to be retained and would provide an additional off-street parking space. Therefore it is considered that the garage, in addition to at least two parking spaces on the driveway would provide sufficient parking and the proposals are therefore acceptable in this regard.

8. Recommendation

- 8.1 That the decision be delegated to the Director of Community and Environmental Services to consider any representations received and 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: AC18 - 3401 - A, AC18 - 3402 - A, AC18 - 3403 - D, AC18 - 3404 - D, AC18 - 3405 - D

Reason: For the avoidance of doubt and in the proper interests of planning and in the interests of the visual amenities of the locality and the 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, DM8, 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 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 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).

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 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) - If your development is liable for CIL payments, it is a requirement under Regulation 67 (1) 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 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.
- 14 Bats are protected under domestic and European legislation where, in summary, it is an offence to deliberately capture, injure or kill a bat, intentionally or recklessly disturb a bat in a roost or deliberately disturb a bat in a way that would impair its ability to survive, breed or rear young, hibernate or migrate, or significantly affect its local distribution or abundance; damage or destroy a bat roost; possess or advertise/sell/exchange a bat; and intentionally or recklessly obstruct access to a bat roost.

If bats are found all works must stop immediately and advice sought as to how to proceed from either of the following organisations:
The UK Bat Helpline: 0845 1300 228
Natural England: 0300 060 3900
Herts & Middlesex Bat Group: www.hmbg.org.uk
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).