

9. 18/0620/FUL - Removal of outbuilding and erection of single storey side and rear extension at 87 GALLOWS HILL LANE, ABBOTS LANGLEY, WD5 0DD, for Mr and Mrs Fantom (DCES)

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 17 May 2018

Ward: Abbots Langley And Bedmond
Case Officer: Jake Shiels

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The agent is a Councillor.

1. Relevant Planning History

1.1 8/189/75 - Single storey rear extension. 18.06.1975.

2. Description of Application Site

2.1 The application dwelling is a two storey detached property situated on the north side of Gallows Hill Lane, Abbots Langley. Gallows Hill Lane is generally characterised by detached and semi-detached housing of varied designs. This road follows the slope of a hill with neighbouring No.85 at lower ground level and neighbouring No.89 at a higher ground level.

2.2 The dwelling's exterior is bricked, with a weather boarded gable projection, incorporating a hipped roof design to the main roof.

2.3 The frontage of the application site contains a paved driveway with space for two vehicles and an attached wall/garage style door to the east flank of the dwelling. There is an outbuilding to rear that measures approximately 6m in length, 2.7m in width and 3.9m in maximum height with a pitched roof. The dwelling has also extended from the original rear elevation of the dwelling by 1.2m with a small conservatory which is attached to a raised patio that is semi-circled in shape. The garden measures approximately 405sqm with grass lawn which is enclosed by fencing.

2.4 The neighbour to the east No.89 has extended to the flank at single storey; while the neighbour to the west flank (No.87) has extended at two storey to the flank and at single storey to the front and rear.

3. Description of Proposed Development

3.1 This application seeks planning permission for the removal of the existing outbuilding on site and erection of single storey side and rear extension.

3.2 The existing outbuilding would be removed to facilitate the construction of a single storey side and rear extension. The side element would project approximately 1 metre beyond the existing flank elevation and would be set back approximately 4.5 metres from the front elevation where it would be largely screened by the existing wall/garage door which would be retained. It would extend to the rear for a depth of approximately 10 metres to a point level with the rear wall of the rear extension. A shallow sloping roof approximately 2.5 – 2.7 metres in height is proposed and would include 1 rooflight to the side extension. A single door would serve a utility room with no further flank openings proposed.

3.3 The rear element would have a depth of approximately 4 metres beyond the original rear wall, with a width of approximately 10 metres, extending the full width of the dwelling. A flat roof is proposed with a height of approximately 2.7 metres. Three rooflights are proposed within the roof to the rear, with bi-folding doors to the rear garden facing

elevation. The internal floor levels is proposed to be dropped to create a single level throughout the extension. A 3 metre deep patio at ground level is proposed to the rear of the extension.

- 3.4 Amended plans were received to reduce the height of the extension and to indicate the boundary fence and floor levels.

4. Consultation

4.1 Statutory Consultation

4.1.1 National Grid: No comments received.

4.1.2 Abbots Langley Parish Council: *"No objection."*

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 6 No responses received: 0

4.2.2 Site Notice: N/A Press notice: N/A

5. Reason for Delay

5.1 Committee Cycle.

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, DM13 and Appendices 2 and 5.

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 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 detached dwellings should be 4m although this distance may be reduced if the extension would adversely affect adjoining properties or be unduly prominent.
- 7.1.3 The proposed single storey rear extension would have a depth of approximately 4 metres from the original rear building line closest to No. 89 which would comply with the recommended depth figure of 4m for detached dwellings. Due to the existing stepped rear elevation, the depth would be greater than 4 metres closest to No. 85, however, the extension would be of less overall depth than the existing detached outbuilding adjacent to the boundary with No. 85 which is proposed to be demolished. The proposed rear extension would be proportionate to the size and character of the dwelling given its scale and design and the extension would not be readily visible from the street scene given its rear siting. A large softly landscaped rear garden would be retained and the patio would not appear result in harm.
- 7.1.4 The proposed single storey side extension would extend beyond the east flank of the dwelling by 1 metre and would be set off the boundary with No. 85 by approximately 1.2 metres. Whilst there may be some opportunities for views of the side extension from the street, these would be limited due to the set back nature of the extension and existing front wall/garage door that would be retained and would provide screening. It is noted that the height of the side extension would be lower than the existing detached outbuilding which would be removed.

7.1.5 It is not considered that the proposed extensions would be out of character or unduly prominent in the street scene. Furthermore the proposal would not adversely affect the character or appearance of the host dwelling and would be acceptable in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

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 The guidance provided within Appendix 2 states that single storey rear extensions to detached dwellings should generally have a maximum depth of 4m with this distance reduced if the extension would adversely affect adjoining properties or is unduly prominent. Appendix also 2 states that side extensions will be assessed individually against the proximity to the flank boundary.

7.2.3 The single storey side extension would be set off the boundary with No. 89 by approximately 1.2 metres and it is also noted that this neighbour is at a slightly higher land level. The proposed roof form would be low and given the spacing it is not considered that the side extension would result in demonstrable harm to neighbouring amenity through overshadowing or loss of light. A single door is proposed to serve a utility room. Given the boundary treatment and slightly lower level, no overlooking would be facilitated.

7.2.4 The single storey rear element would have a depth of 4 metres adjacent to the boundary with No. 85, complying with guidance contained within Appendix 2 in this respect. The depth closest to the boundary with No. 89 would exceed 4 metres due to the existing stepped building line. However, the extension would be of less depth and height than the outbuilding on this boundary which would be demolished, thereby improving the relationship with this neighbour which is also at a higher level. No flank openings are proposed to the rear extension.

7.2.5 The patio would be at ground level and the plans indicate 1.8 metre fencing for the length of the garden such that overlooking would not be facilitated.

7.2.6 The proposed development would therefore not result in any demonstrable harm to the residential amenities of any of the neighbouring properties, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.3 Amenity Space Provision for future occupants

7.3.1 Policy CP12 of the Core Strategy (adopted October 2011) states that development should take into account the need for adequate levels and disposition of privacy, prospect, amenity and garden space. Amenity space standards are set out in Appendix 2 of the Development Management Policies LDD (adopted July 2013).

7.3.2 The existing dwelling has five bedrooms, and the proposal would not result in any additional bedrooms. Appendix 2 requires 126 square metres amenity space for a property of this size. A garden size of over 325sq.m would be retained following the proposed development which would comply with this requirement.

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 A Biodiversity Checklist has been submitted with the planning application and states that a Biodiversity Survey and Assessment is not required. Protected species would not therefore be affected.

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 No protected trees would be affected by the development.

7.6 Parking

7.6.1 Policy DM13 of the Development Management Policies LDD requires development to make provision for parking in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD. The proposed development would not result in an increase in the number of bedrooms, as set out within the parking standards, a dwelling with four or more bedrooms should provide 3 spaces per dwelling (3 assigned spaces with curtilage).

7.6.2 The dwelling at present has two parking spaces to the frontage which would be retained, with a further space to the rear of the existing wall/garage door. There would be no increase in bedrooms as a result of the development and no alteration to the existing availability of parking.

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: 1199 SK 100B.

Reason: For the avoidance of doubt and in the proper interests of planning and 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 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 or similar openings [other than those expressly authorised by this permission] shall be constructed in the side elevation of the proposed extensions 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) - 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 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 stipulates that construction activity (where work is audible at the site boundary) should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.