

10. 18/0690/FUL - Two storey side extension and front porch at 49 BALMORAL ROAD, ABBOTS LANGLEY, WD5 0ST for Mr Chad Greatorex (DCES)

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 29 June 2018

Ward: Leavesden
Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted

Reason for consideration by the Committee: The application has been called in to committee by Abbots Langley Parish Council. Following receipt of revised plans the Parish Council have withdrawn their objections.

1 Relevant Planning History

1.1 No relevant planning history

2 Description of Application Site

2.1 The application site is roughly rectangular in shape and is located on the south eastern side of Balmoral Road. To the north of the site is a pedestrian access to High Road.

2.2 The application site comprises a two storey end of terrace property built of a brown brick with a pitched roof and a single storey rear projection.

2.3 To the front of the site is a block paved driveway which could accommodate 2 cars. To the rear of the site is a garden laid as lawn.

3 Description of Proposed Development

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

3.2 The proposed two storey side extension would have a width of 2.8m in line with the existing front elevation and would extend the depth of the existing main dwelling at two storey level. The proposed extension would have a single storey element projecting 0.875m from the two storey flank for a depth of 4m of the proposed extension.

3.3 The proposed two storey side extension would be set down 0.6m from the main ridge with a hipped roof form. The single storey side projection would have a mono pitched roof with a maximum height of 3.4m and an eaves height of 2.6m.

3.4 A double casement would be included within the rear elevation at first floor and a triple casement window at ground floor. The proposed front elevation would include a single casement window to the front elevation at first floor level and a bay window to match that existing at ground floor level.

3.5 The proposed front porch would have a depth of 1.1m and a width of 1.65m with a pitched roof. It would have a maximum height of 3m (eaves height 2.4m).

3.6 The proposed front porch would also include the extension of the roof of the existing bay window across the width of the proposed porch and 0.6m to the right of the proposed porch.

3.7 Amended plans have been received during the application to set the two storey extension in from the boundary at first floor level and to hip the roof.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: (Objections removed following amendments)

Members object to this large extension for the size of the plot and the close proximity of the two storey element to the public footpath, also the lack of parking provision for what will become a four bedroomed property. If officers are minded to approve this application then Members request that it is referred to Three Rivers Planning Committee for consideration.

Revised comments were received following reconsultation with the Parish on amended plans received.

Having considered the amended plans lodged with the reduction in size of the first floor adjoining the public footpath, Members now have no objections to the application.

4.1.2 Landscape Officer: (No objections)

No significant trees on or adjacent to site will be impacted by the proposal, I therefore have no arboricultural concerns or objections.

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 5 No of responses received: 0

4.2.2 Site Notice: Posted 17.05.2018 and expired 07.06.2018

Press notice: Not required.

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, 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 seeks to promote buildings of a high enduring design quality that respect local distinctiveness and Policy CP12 of the Core Strategy relates to design and states that in seeking a high standard of design, the Council will expect development proposals to 'have regard to the local context and conserve or enhance the character, amenities and quality of an area'.
- 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 the area. Extensions should not be excessively prominent and should respect the existing character of the dwelling, particularly with regard to the roof form, positioning and style of windows and doors, and materials. The proximity of single storey side extensions to flank boundaries will be individually assessed but to avoid a terracing effect and maintain spacing in character with the area, the first floor of two storey side extensions should be set in at least 1.2m from flank boundaries.
- 7.1.3 The proposed two storey element would be set in a minimum of 0.7m from the boundary at the front with spacing increasing to 1.8m towards the rear owing to the splayed nature of the boundary.
- 7.1.4 It is acknowledged that the proposed two storey element would not achieve the 1.2m spacing to the boundary towards the front. However the purpose of this guideline is primarily to prevent a terracing effect. Given the end of terrace nature of the application dwelling with additional spacing to this side created by the adjacent footpath, together with the hipped roof form and spacing increasing towards the rear it is not considered that the proposed two storey element would appear as an incongruous or unduly prominent form of development. As such the proposed two storey extension would not significantly erode the spacing to the side of the site so as to result in detrimental harm to the character of the streetscene.
- 7.1.5 The proposed single storey side projection would be set up to the boundary at the front with spacing increasing to 0.3m towards the rear. However given its single storey nature, set back from the front elevation, not projecting beyond the existing main rear elevation together with its roof form pitched away from the boundary it is not considered that this

element of the development would appear unduly prominent so as to result in harm to the character of the streetscene.

- 7.1.6 Appendix 2 of the DMP LDD outlines that single storey front extensions will be assessed on their own individual merits but should not appear excessively prominent within the streetscene.
- 7.1.7 Given its limited depth, single storey nature and that there is some variation in scale and design of properties along Balmoral Road it is not considered that this element would appear excessively prominent or incongruous so as to result in harm to the streetscene.
- 7.1.8 In summary the scale and massing of the proposed extensions are considered appropriate and the development would respect the character and appearance of the host dwelling and street scene and would accord with Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) in this regard.

7.2 Impact on 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 extensions 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 proposed two storey side extension would not project beyond the existing main front and rear elevation and therefore would not be readily visible to the adjoining neighbour at No.51. Given its siting to the front, limited depth and that it would have a roof form pitched away from the boundary it is not considered that this element would result in unacceptable harm to this neighbour.
- 7.2.3 The proposed two storey side extension would be sited a minimum of approximately 13m from the neighbour at No.47 owing to the spacing created by the footpath. Given this in addition to the proposed side extension not projecting beyond the existing main front and rear elevations and that it would be pitched away from the boundary it is not considered that this element of the development would result in unacceptable harm to this neighbour by virtue of unacceptable loss of light or overbearing impact.
- 7.2.4 A first floor window is proposed within the flank at first floor level. Given its siting a condition would be considered appropriate to attached to any consent granted to ensure that unacceptable overlooking does not occur.
- 7.2.5 In summary, it is not considered that proposed development would result in any significant adverse impact on any neighbouring dwelling and the development would be acceptable in accordance with Policy CP12 of the Core Strategy and Policy DM1 and Appendix 2 of the Development Management Policies LDD.

7.3 Amenity Space

- 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. Appendix 2 of the Development Management Policies document states that a four bedroom dwelling should provide 105sqm amenity space.
- 7.3.2 The application site would retain approximately 60sqm of useable amenity space. As such there would be a shortfall in amenity space provision. However given that 60sqm would be retained and that the application site is within walking distance of Leavesden Country Park it is not considered that the shortfall would result in such harm so as to justify the refusal of planning permission in this respect.

7.4 Highways and Parking

- 7.4.1 Core Strategy Policy CP10 also sets out that development should make adequate provision for car and other vehicle parking. Policy DM13 and Appendix 5 of the Development Management Policies document set out requirements for parking provision and advise that a four bedroom dwelling should provide 3 parking spaces.
- 7.4.2 As a result of the proposed development there would be a shortfall of one parking space against standards. However there would be two spaces retained to the frontage, with some limited provision for on street parking and the application site is within walking distance of bus services along College Road. In addition to this the application site is within a short walk to local amenity stores including Tesco Express.
- 7.4.3 Therefore it is not considered that the shortfall of one space would result in such harm so as to justify the refusal of permission in this respect.

7.5 Wildlife and Biodiversity

- 7.5.1 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.
- 7.5.2 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.
- 7.5.3 A biodiversity checklist was submitted with the application this stated that no protected species or biodiversity factors will be affected as a result of the application. The Local planning authority is not aware of any protected species within the immediate area that would require further assessment, however, an informative is suggested as works to the roof are proposed.

7.6 Trees and Landscaping

- 7.6.1 Policy DM6 of the Development Management Policies LDD sets out that development proposals should seek to retain trees and other landscape and nature conservation features, and that proposals should demonstrate that trees will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 7.6.2 The application site is covered by a blanket TPO and there are some small shrubs and plants along the boundary. However the Landscape Officer has reviewed the application and does not consider that any significant trees will be impacted as a result of the proposed development. As such it is not considered that the proposed development would result in unacceptable harm in this respect.

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), D01F, D02J, D03J, D04J, D05J, D06J, D07J and D08J
- Reason: For the avoidance of doubt and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies LDD (adopted July 2013).
- C3 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 Before the first occupation of the extension hereby permitted the proposed first floor flank window 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 are installed. The window 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).

8.2 Informatives:

- 11 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 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).