

16. 18/2377/FUL - Construction of two storey side extension and part two, part single storey rear extension at 36 THE CRESCENT, ABBOTS LANGLEY, WD5 0DS (DCES)

Parish: Abbots Langley

Ward: Abbots Langley and Bedmond

Expiry of Statutory Period: 22 January 2019

Case Officer: Lauren Edwards

Recommendation: That Planning Permission be Granted.

Reason for consideration by the Committee: The applicant is an employee of the Council.

1 Relevant Planning History

1.1 No relevant planning history.

2 Description of Application Site

2.1 The application site is located on the southern side of The Crescent, Abbots Langley. The application dwelling is a semi-detached property sited within a plot with splayed boundaries that increases in width from the front to the rear of the site.

2.2 The application dwelling has a hipped roof and has a beige pebble dash to the exterior. To the rear is an existing single storey rear projection and to the front is a mono pitched front projection.

2.3 The application site has parking to the frontage which can accommodate two cars and to the rear is a patio and area laid as lawn.

2.4 The adjoining neighbour (No.34) is a two storey semi-detached property built of a similar architectural style to the application dwelling however this neighbour has undertaken a part single, part two storey rear extension.

2.5 The neighbour at No.38 is a two storey semi-detached property with a white painted render exterior and has undertaken a part single, part two storey rear extension. Owing to the siting of the application site on a bend in the road the rear elevation of this neighbour is angled away from the application dwelling.

3 Description of Proposed Development

3.1 This application seeks planning permission for the construction of a two storey side extension and part single, part two storey rear extension.

3.2 The proposed side extension would be part single and part two storey in nature. The two storey element would have a depth of 4.15m with the single storey element projecting 1.35m further towards the front. The two storey element would be hipped to the front with a flat roof and maximum height of 6.1m. The single storey front element would have a mono pitched roof with an eaves height of 2.2m and a maximum height of 2.7m. This element would have a tapered flank elevation with a minimum width of 0.9m at the front and 1.7m level with the existing two storey rear elevation.

3.3 The proposed two storey rear extension would have a width of 4.5m in line with the proposed two storey side extension and projecting 5m beyond the existing two storey rear elevation. This element would have a flat roof and hipped to all sides with a maximum height of 6.1m and an eaves height in line with that existing. The proposed single storey extension would be set in from the boundary with No.34 by 0.3m and would have a flat roof with a height of 2.3m and overall depth of 5m.

4 Consultation

4.1 Statutory Consultation

4.1.1 Abbots Langley Parish Council: No objection

4.1.2 National Grid: No comments received

4.2 Public/Neighbour Consultation

4.2.1 Number consulted: 7

4.2.2 No of responses received: 0

4.2.3 Site Notice: Expired 27.12.2018 Press notice: Expired 28.12.2018

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

The NPPF states that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. 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 Development 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 and 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 Appendix 2 of the DMP LDD outlines that two storey extensions should be set in 1.2m from the boundary at first floor level. However in high density areas a minimum of 1m will be considered acceptable.

7.1.3 The proposed two storey side extension would be set in 1m from the flank boundary for its entire depth. Whilst it would have a tapered flank elevation and would result in some loss of spacing to this side of the dwelling, given that it would be set in a minimum of 1m with a hipped roof, set down from the main ridge and that the application site is located on a bend in the road with existing splayed boundaries it is not considered that this element of the proposal would result in harm to the character of The Crescent where a number of similar side extensions are evident.

7.1.4 Appendix 2 of the DMP LDD outlines that single storey rear extensions to semi-detached properties should not generally exceed a depth of 3.6m. It is acknowledged that the proposed part, single part two storey rear extensions would exceed the guidelines of Appendix 2 in this respect by 1.4m. However given that there is an existing single storey extension with a depth of 2.6m and there are a number of similar extensions evident to the rear of other properties within The Crescent, in addition to its siting off the boundary by 1m and roof height set down from the main ridge it is not considered that it would appear incongruous or unduly prominent so as to result in harm to the character or appearance of the host dwelling or area in general. It is also noted that materials would match those existing.

7.1.5 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 amenity of neighbours

7.2.1 Policy CP12 of the Core Strategy advises that development will be expected to protect residential amenity. Appendix 2 of the Development Management Policies LDD comments that all developments are expected to maintain acceptable standards of privacy for both new and existing residential buildings and extensions should not result in loss of light to the windows of neighbouring properties nor allow overlooking.

- 7.2.2 Appendix 2 of the DMP LDD outlines that two storey rear and side extensions should not generally intrude a 45 degree splay line drawn across the rear from the point on the 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 positions of windows and development on neighbouring properties.
- 7.2.3 Appendix 2 of the DMP LDD also sets out that single storey rear extensions should not generally exceed 3.6m in depth.
- 7.2.4 The proposed two storey rear extension would intrude a 45 degree splay line when taken from the point on the boundary level with the main two storey rear elevation of No.34. However would not intrude from their two storey rear extension. Given this in addition to its siting 2.8m off the shared boundary, hipped roof and that it would be set down from the main ridge it is not considered that the proposed two storey extension would result in unacceptable loss of light or an overbearing impact to this neighbour so as to cause detrimental harm.
- 7.2.5 Whilst the proposed single storey rear element would exceed the guidelines of Appendix 2 in relation to its depth by 1.4m, No.34 also has a single storey rear extension which has a depth of approximately 3.5m and as such the proposed extension would only project 1.5m beyond this. Given this in addition to its siting off the boundary by 0.3m and that it would have a lower maximum height than that existing it is not considered that this element would result in harm to this neighbour.
- 7.2.6 When taken from the point on the boundary level with the rear elevation of No.38 the proposed two storey side and rear extension would marginally intrude a 45 degree splay line by 0.3m. However given that the rear of this neighbour is orientated away from the application site, that the extension would be set off the boundary with a hipped roof form set down from the main ridge it is not considered that it would result in unacceptable loss of light or an overbearing impact to this neighbour.
- 7.2.7 Two first floor flank windows are proposed which would face No.38. It is considered appropriate that these are conditioned to be obscure glazed and top level opening only in order to prevent unacceptable overlooking to this neighbour. Given its siting at ground floor level, set off the boundary, it is not considered that the ground floor flank window would result in unacceptable overlooking.
- 7.2.8 As such it is not considered that the proposed development would result in demonstrable harm to neighbouring amenity so as to justify the refusal of planning for the reasons already set out above, the development would be 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
- 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. Specific standards for amenity space are set out in Appendix 2 of the Development Management Policies LDD.
- 7.3.2 Appendix 2 of the DMP LDD outlines that a four bedroom dwelling should retain 105sqm of amenity space.
- 7.3.3 The application site would retain over 300sqm of amenity space and as such would comply with Appendix 2 in this respect.
- 7.4 Highways, Access and Parking

7.4.1 Policy DM13 of the Development Management Policies LDD requires developments to ensure that sufficient parking is provided in accordance with the parking standards set out at Appendix 5 of the Development Management Policies LDD.

7.4.2 The proposed development would result in the creation of 1 additional bedroom to form a four bedroom dwelling. Appendix 5 of the DMP LDD sets out that dwellings with four or more bedrooms should retain three onsite parking spaces. The application site would therefore have a shortfall in parking provision by 1 space. However the application site is within walking distance (0.2 miles) of bus services along Abbots Langley High Street and local shops/services. There is also some provision for on street parking within The Crescent. As such it is not considered that the shortfall in parking of one space would result in detrimental harm.

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 site is not located within a Conservation Area nor are there any protected trees on or near the site. As such it is not considered that the proposed development would result in any harm in this respect.

8 **Recommendation**

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), TRDC 002 (Block Plan), TRDC 003 (Existing Elevations), TRDC 004 (Existing floor plans), TRDC 005 (Proposed side and rear elevations), TRDC 007 (Proposed floor plans), TRDC 008 (Front elevations).

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, 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 Before the first occupation of the extension hereby permitted the windows in the eastern side elevation 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 windows shall be permanently retained in that condition thereafter.

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

8.1 **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 development 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).